

# **Exhibit 1**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3

4 RUSS GODFREY, and  
5 NATALIE GODFREY,

6

Plaintiffs,

7

vs.

Case No. 5:19-cv-329 G

8

CSAA FIRE & CASUALTY  
INSURANCE COMPANY,

9

10

Defendant.

11

12

VIDEOTAPED DEPOSITION OF MARK S. COSTELLO

13

Friday, December 13, 2019

14

9:33 a.m.

15

2300 West Sahara Avenue, Suite 770

16

Las Vegas, Nevada

17

18

19

20

21

22

23

24

25 Reported by: Allyson W. Harris, NV CCR #740

Mark Costello

12/13/2019

2 (2 - 5)

|   |  |
|---|--|
| <p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 For Plaintiffs:</p> <p>3 KEITH F. GIVENS, ESQUIRE<br/> 4 MANSELL, ENGEL &amp; COLE<br/> 5 204 North Robinson Avenue<br/> 6 21st Floor<br/> 7 Oklahoma City, Oklahoma 73102<br/> 8 405.212.5921<br/> 9 405.232.4140 Fax<br/> 10 kgivens@meclaw.net</p> <p>11 For Defendant:</p> <p>12 BRUCE ROBERTSON, ESQUIRE<br/> 13 RYAN WHALEY<br/> 14 119 North Robinson Avenue<br/> 15 Suite 900<br/> 16 Oklahoma City, Oklahoma 73102<br/> 17 405.239.6040<br/> 18 405.833.5186 Fax<br/> 19 brobertson@ryanwhaley.com</p> <p>20 The Videographer:</p> <p>21 Andrew Jones</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>Page 4</p> <p>1 Deposition of Mark S. Costello</p> <p>2 Friday, December 13, 2019</p> <p>3 * * * * *</p> <p>4 THE VIDEOGRAPHER: Good morning. This is</p> <p>5 disc No. 1 to the videotaped deposition of</p> <p>6 Mark Costello in the matter of Russ Godfrey, et al.</p> <p>7 versus CSAA Fire and Casualty Insurance Company</p> <p>8 being heard before the United States District</p> <p>9 Court, Western District of Oklahoma, case number</p> <p>10 5:19-cv-329 G. This deposition is being held at</p> <p>11 2300 West Sahara Avenue in Las Vegas, Nevada,</p> <p>12 89102, on December 13, 2019, 9:33 a.m. My name is</p> <p>13 Andrew Jones. I am the videographer. The court</p> <p>14 reporter is Allyson Harris.</p> <p>15 Counsel, will you please introduce</p> <p>16 yourselves and affiliations and then the witness</p> <p>17 will be sworn.</p> <p>18 MR. GIVENS: Keith Givens for the</p> <p>19 plaintiffs, Russ and Natalie Godfrey.</p> <p>20 MR. ROBERTSON: Bruce Robertson for the</p> <p>21 Defendant CSAA Fire and Casualty Insurance Company.</p> <p>22 MARK S. COSTELLO,</p> <p>23 was called as a witness, being first duly sworn,</p> <p>24 testified as follows:</p> <p>25 ///</p> |
| <p>Page 3</p> <p>1 INDEX OF EXAMINATION</p> <p>2 WITNESS: MARK S. COSTELLO</p> <p>3</p> <p>4 EXAMINATION PAGE</p> <p>5 By Mr. Givens 5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 INDEX TO EXHIBITS</p> <p>11 Number Page Description</p> <p>12 (None marked.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   | <p>Page 5</p> <p>1 EXAMINATION</p> <p>2 BY MR. GIVENS:</p> <p>3 Q. Good morning, sir.</p> <p>4 A. Good morning.</p> <p>5 Q. Would you please state your full name.</p> <p>6 A. Mark Costello.</p> <p>7 Q. Do you have a middle name?</p> <p>8 A. I do, Stephen.</p> <p>9 Q. And how is that spelled?</p> <p>10 A. S-t-e-p-h-e-n.</p> <p>11 Q. And, sir, is it correct that we are here</p> <p>12 on December 13, 2019 in Las Vegas, Nevada for your</p> <p>13 deposition in a case brought by Russ and Natalie</p> <p>14 Godfrey?</p> <p>15 A. That is correct.</p> <p>16 Q. And is it correct that you were one of</p> <p>17 the CSAA employees that handled her (sic) claim?</p> <p>18 A. That is correct.</p> <p>19 Q. And, sir, what's your address?</p> <p>20 A. 934 Valetta Flat Avenue, Las Vegas,</p> <p>21 Nevada, 89183.</p> <p>22 Q. How do you spell Valetta?</p> <p>23 A. V-a-l-e-t-t-a.</p> <p>24 Q. And you said it was 934 Valetta Avenue?</p> <p>25 A. Valetta Flat Avenue.</p>   |

**Professional Reporters**

800.376.1006

www.prreporters.com

**Mark Costello****12/13/2019****3 (6 - 9)**

|  |   |
|--|---|
| <p>Page 6</p> <p>09:35:34 1 Q. And is that your residential address?</p> <p>09:35:38 2 A. Yes, it is.</p> <p>09:35:38 3 Q. And what's your phone number, cell phone</p> <p>09:35:41 4 number?</p> <p>09:35:42 5 A. Cell phone number is area code (405)</p> <p>09:35:44 6 517-6351.</p> <p>09:35:49 7 Q. Can you tell us when you were born?</p> <p>09:35:51 8 A. September 1, 1975.</p> <p>09:35:55 9 Q. Sir, when did you come here to work in</p> <p>09:35:58 10 the Las Vegas location of CSAA?</p> <p>09:36:02 11 A. January 2nd of 2019.</p> <p>09:36:04 12 Q. And what brought you here?</p> <p>09:36:07 13 A. Promotion.</p> <p>09:36:07 14 Q. To what?</p> <p>09:36:10 15 A. Homeowner claims manager for the</p> <p>09:36:12 16 Las Vegas regional center.</p> <p>09:36:16 17 Q. And what states do you all handle?</p> <p>09:36:20 18 A. Currently we handle California, Nevada,</p> <p>09:36:23 19 Utah. We also would handle Idaho, Washington, and</p> <p>09:36:29 20 Oregon if there are any claims. We have a very</p> <p>09:36:32 21 small footprint there.</p> <p>09:36:33 22 Q. Are you not handling Oklahoma claims</p> <p>09:36:37 23 anymore?</p> <p>09:36:38 24 A. Not currently, no.</p> <p>09:36:39 25 Q. Is there any reason for that?</p>   | <p>Page 8</p> <p>09:37:40 1 answer that because that's attorney-client</p> <p>09:37:42 2 privilege.</p> <p>09:37:44 3 THE WITNESS: Okay.</p> <p>09:37:44 4 MR. ROBERTSON: If you've had discussions</p> <p>09:37:46 5 with somebody else about that then --</p> <p>09:37:47 6 MR. GIVENS: Let me clarify my</p> <p>09:37:48 7 question.</p> <p>09:37:49 8 BY MR. GIVENS:</p> <p>09:37:49 9 Q. Has CSAA asked you to be at trial?</p> <p>09:37:53 10 A. No.</p> <p>09:37:53 11 Q. Is there any reason why you couldn't</p> <p>09:37:56 12 appear at trial --</p> <p>09:37:57 13 MR. ROBERTSON: Objection to form.</p> <p>09:37:58 14 BY MR. GIVENS:</p> <p>09:37:58 15 Q. -- if CSAA asked you to?</p> <p>09:38:00 16 MR. ROBERTSON: Same. Same objection as</p> <p>09:38:02 17 far as any communications with your attorneys.</p> <p>09:38:03 18 THE WITNESS: I guess depending on</p> <p>09:38:04 19 dates.</p> <p>09:38:05 20 BY MR. GIVENS:</p> <p>09:38:05 21 Q. Okay. Let me rephrase my question since</p> <p>09:38:06 22 there was an objection. Are you aware of any</p> <p>09:38:09 23 reason why you could not appear at trial in March</p> <p>09:38:12 24 if CSAA asks you to?</p> <p>09:38:15 25 A. No.</p>   |
| <p>Page 7</p> <p>09:36:40 1 A. We have four regional centers, one of</p> <p>09:36:43 2 them based in Oklahoma City, which is a little more</p> <p>09:36:47 3 natural for them time zonewise, local</p> <p>09:36:51 4 knowledge-wise.</p> <p>09:36:52 5 Q. When you were in the Oklahoma City</p> <p>09:36:54 6 center, do people refer to their company as AAA?</p> <p>09:37:00 7 A. Yes.</p> <p>09:37:00 8 Q. So I've said CSAA so far. If I say AAA,</p> <p>09:37:04 9 can we agree that that's the same thing?</p> <p>09:37:06 10 A. Yes.</p> <p>09:37:07 11 MR. ROBERTSON: Objection.</p> <p>09:37:07 12 BY MR. GIVENS:</p> <p>09:37:07 13 Q. And have you always referred to it as the</p> <p>09:37:09 14 same thing?</p> <p>09:37:10 15 A. Not always, no.</p> <p>09:37:11 16 Q. If somebody has asked you where you work,</p> <p>09:37:14 17 do you say "I work at AAA"?</p> <p>09:37:17 18 A. Yes.</p> <p>09:37:22 19 Q. Okay. Are you aware that this case is</p> <p>09:37:25 20 going to be tried in Oklahoma City on March 10th?</p> <p>09:37:28 21 A. I was not aware of that, no.</p> <p>09:37:32 22 Q. Have you been asked to come to trial --</p> <p>09:37:34 23 MR. ROBERTSON: Objection to the form.</p> <p>09:37:34 24 If you've had any discussions with us about what --</p> <p>09:37:37 25 what you will or won't do, I don't want you to</p> | <p>Page 9</p> <p>09:38:27 1 Q. Is it correct that the Godfreys had</p> <p>09:38:36 2 insurance with CSAA on the date of the event that's</p> <p>09:38:37 3 at issue in this case?</p> <p>09:38:38 4 MR. ROBERTSON: Objection, form.</p> <p>09:38:39 5 THE WITNESS: I have to double-check the</p> <p>09:38:40 6 actual date.</p> <p>09:38:41 7 BY MR. GIVENS:</p> <p>09:38:41 8 Q. Let me set the record before we go there.</p> <p>09:38:44 9 Is it true that the date of this loss was</p> <p>09:38:47 10 February 22nd of 2018?</p> <p>09:38:49 11 MR. ROBERTSON: Objection to form.</p> <p>09:38:49 12 THE WITNESS: That was the reported date,</p> <p>09:38:50 13 yes.</p> <p>09:38:51 14 BY MR. GIVENS:</p> <p>09:38:51 15 Q. Okay. Do you have any reason to question</p> <p>09:38:53 16 that?</p> <p>09:38:53 17 A. No, sir.</p> <p>09:38:55 18 Q. So is it true that the Godfreys were</p> <p>09:38:58 19 insured under their policy with CSAA on that date?</p> <p>09:39:01 20 A. Yes, sir.</p> <p>09:39:02 21 Q. And all the premiums had been paid as far</p> <p>09:39:04 22 as you know?</p> <p>09:39:05 23 A. I -- as far as I know, yes.</p> <p>09:39:07 24 Q. And is it true that their policy covers</p> <p>09:39:12 25 damage from ice or snow?</p> |

**Professional Reporters****800.376.1006****www.prareporters.com**

Mark Costello

12/13/2019

4 (10 - 13)

|  |  |
|--|--|
| <p>Page 10</p> <p>09:39:15 1 MR. ROBERTSON: Objection to form.</p> <p>09:39:19 2 THE WITNESS: Not as a blanket statement,</p> <p>09:39:21 3 no.</p> <p>09:39:21 4 BY MR. GIVENS:</p> <p>09:39:21 5 <b>Q. How is that wrong?</b></p> <p>09:39:22 6 A. It would depend on the actual damages.</p> <p>09:39:24 7 Ice on a roof, if there was no damage caused by</p> <p>09:39:28 8 that ice, there's no peril to be covered.</p> <p>09:39:32 9 <b>Q. Okay. My question was if damage is</b></p> <p>09:39:34 10 <b>caused by ice or snow, would it be covered under</b></p> <p>09:39:36 11 <b>their policy?</b></p> <p>09:39:38 12 A. Again, it's a little bit broad. Damage</p> <p>09:39:39 13 to what?</p> <p>09:39:40 14 <b>Q. The structure.</b></p> <p>09:39:42 15 A. It would depend on the damage.</p> <p>09:39:47 16 <b>Q. Same question for wind and hail. If wind</b></p> <p>09:39:49 17 <b>and hail hits the house, does the policy cover</b></p> <p>09:39:53 18 <b>that?</b></p> <p>09:39:56 19 MR. ROBERTSON: Objection to form.</p> <p>09:39:57 20 THE WITNESS: Again, it would depend on</p> <p>09:39:59 21 the damage caused.</p> <p>09:39:59 22 BY MR. GIVENS:</p> <p>09:39:59 23 <b>Q. What are you thinking of that's making</b></p> <p>09:40:01 24 <b>you condition your answer?</b></p> <p>09:40:05 25 MR. ROBERTSON: Objection.</p>  | <p>Page 12</p> <p>09:41:07 1 <b>you know?</b></p> <p>09:41:08 2 A. As far as I know, yes.</p> <p>09:41:09 3 <b>Q. How many other depositions have you</b></p> <p>09:41:11 4 <b>given?</b></p> <p>09:41:13 5 A. Two.</p> <p>09:41:16 6 <b>Q. And were both of those in cases against</b></p> <p>09:41:20 7 <b>CSAA?</b></p> <p>09:41:20 8 A. No, sir.</p> <p>09:41:20 9 <b>Q. Who were they against?</b></p> <p>09:41:22 10 A. One was in a case against CSAA and one</p> <p>09:41:24 11 was against a previous employer, Farmers</p> <p>09:41:33 12 Insurance.</p> <p>09:41:33 13 <b>Q. What type of case was the Farmers case?</b></p> <p>09:41:36 14 A. The Farmers was dealing with a -- the</p> <p>09:41:40 15 Moore tornado catastrophe.</p> <p>09:41:45 16 <b>Q. Was it a bad faith case?</b></p> <p>09:41:47 17 A. I believe it was, yes.</p> <p>09:41:48 18 <b>Q. Did it go to trial?</b></p> <p>09:41:49 19 A. I don't know.</p> <p>09:41:50 20 <b>Q. Do you know if it's still pending?</b></p> <p>09:41:52 21 A. I don't believe it is.</p> <p>09:41:54 22 <b>Q. What's your understanding of how it was</b></p> <p>09:41:56 23 <b>resolved, without giving details?</b></p> <p>09:41:58 24 A. From my understanding, honestly, I can't</p> <p>09:42:01 25 answer. I was briefly deposed. They realized I</p>   |
| <p>Page 11</p> <p>09:40:05 1 BY MR. GIVENS:</p> <p>09:40:05 2 <b>Q. I'm not understanding. When would hail</b></p> <p>09:40:07 3 <b>or wind damage not be covered?</b></p> <p>09:40:10 4 A. When it didn't cause damage.</p> <p>09:40:12 5 <b>Q. But my question presumes there's damage.</b></p> <p>09:40:15 6 <b>That's what I'm having trouble understanding.</b></p> <p>09:40:18 7 A. Again, in speaking in specifics I would</p> <p>09:40:20 8 actually have to see the damage to determine if it</p> <p>09:40:22 9 was wind or hail. If it was truly wind or hail</p> <p>09:40:25 10 damage, there is quite potential, yes, that it</p> <p>09:40:27 11 would be covered.</p> <p>09:40:28 12 <b>Q. Same for wind and snow -- I mean, excuse</b></p> <p>09:40:30 13 <b>me, same for ice and snow?</b></p> <p>09:40:34 14 A. Potentially, yes.</p> <p>09:40:34 15 <b>Q. If ice and snow damages the Godfreys'</b></p> <p>09:40:38 16 <b>roof, that policy is meant to cover that; correct?</b></p> <p>09:40:44 17 MR. ROBERTSON: Objection to form.</p> <p>09:40:44 18 THE WITNESS: It would depend on the</p> <p>09:40:48 19 damages again.</p> <p>09:40:51 20 BY MR. GIVENS:</p> <p>09:40:51 21 <b>Q. Are you aware of any issue with whether</b></p> <p>09:40:53 22 <b>the Godfreys cooperated with CSAA on this claim?</b></p> <p>09:40:58 23 A. Not that I am aware of, no.</p> <p>09:41:00 24 <b>Q. So a different way to ask that is it true</b></p> <p>09:41:04 25 <b>that the Godfreys did cooperate with CSAA as far as</b></p> | <p>Page 13</p> <p>09:42:05 1 was probably not the person they were looking for</p> <p>09:42:07 2 in the claim. I had a very minor role in the</p> <p>09:42:09 3 claim. Deposition ended short and I was</p> <p>09:42:12 4 dismissed.</p> <p>09:42:12 5 <b>Q. Did you ever hear what happened with the</b></p> <p>09:42:14 6 <b>case?</b></p> <p>09:42:14 7 A. No.</p> <p>09:42:15 8 <b>Q. And when was that deposition?</b></p> <p>09:42:18 9 A. That was the Moore tornado. Was that</p> <p>09:42:24 10 2013? So I think it was 2013 or 2014.</p> <p>09:42:27 11 <b>Q. When was your other CSAA depo?</b></p> <p>09:42:29 12 A. It was earlier this year.</p> <p>09:42:31 13 <b>Q. Do you remember what month?</b></p> <p>09:42:33 14 A. I think -- I want to say it was July.</p> <p>09:42:37 15 <b>Q. And was that a bad faith case?</b></p> <p>09:42:40 16 A. Yes, it was.</p> <p>09:42:41 17 <b>Q. What are the names of the plaintiffs?</b></p> <p>09:42:44 18 A. I cannot recall off the top of my head.</p> <p>09:42:48 19 <b>Q. What was your role in the claim that was</b></p> <p>09:42:50 20 <b>involved in that case?</b></p> <p>09:42:51 21 A. My role in the claim was I had responded</p> <p>09:42:57 22 to a letter from the plaintiff's attorney in the</p> <p>09:43:00 23 transition period of the file, and then I was</p> <p>09:43:03 24 listed as the person most knowledgeable of the</p> <p>09:43:07 25 claim.</p> |

**Professional Reporters**

800.376.1006

www.proreporters.com

**Mark Costello****12/13/2019****5 (14 - 17)**

|   |   |
|---|---|
| <p>09:43:08 1 <b>Q. And what type of loss was it?</b> Page 14</p> <p>09:43:12 2 A. It was a water loss.</p> <p>09:43:13 3 <b>Q. Do you remember where the water came</b></p> <p>09:43:14 4 <b>from?</b></p> <p>09:43:15 5 A. The water came from a supply line leading</p> <p>09:43:18 6 to the toilet.</p> <p>09:43:20 7 <b>Q. And who deposed you?</b></p> <p>09:43:23 8 A. I cannot remember his name.</p> <p>09:43:26 9 <b>Q. Who defended your deposition or presented</b></p> <p>09:43:29 10 <b>you?</b></p> <p>09:43:30 11 A. It was outside counsel prepared -- or</p> <p>09:43:32 12 hired through our legal department.</p> <p>09:43:35 13 <b>Q. Was it Gerry Pignato?</b></p> <p>09:43:37 14 A. No, sir.</p> <p>09:43:37 15 <b>Q. You don't remember who it was?</b></p> <p>09:43:39 16 A. No. The case was in Arizona.</p> <p>09:43:42 17 <b>Q. Was the claim in Arizona?</b></p> <p>09:43:49 18 A. Yes.</p> <p>09:43:49 19 <b>Q. Are you aware of other CSAA bad faith</b></p> <p>09:43:53 20 <b>lawsuits that relate to claims that you were</b></p> <p>09:43:56 21 <b>involved in?</b></p> <p>09:43:56 22 A. No, sir.</p> <p>09:43:58 23 <b>Q. When did you start with CSAA?</b></p> <p>09:44:01 24 A. Started in May of 2017.</p> <p>09:44:13 25 <b>Q. And what did you start as?</b></p>   | <p>09:45:28 1 A. No. Page 16</p> <p>09:45:29 2 <b>Q. What about materials that you were given</b></p> <p>09:45:31 3 <b>that you didn't keep?</b></p> <p>09:45:34 4 A. I mean, there were handouts that we</p> <p>09:45:36 5 worked on that would give you a hypothetical</p> <p>09:45:39 6 situation, but most of the training was done</p> <p>09:45:42 7 verbally and hands-on in the classroom.</p> <p>09:45:49 8 <b>Q. Was any of the training on how to</b></p> <p>09:45:50 9 <b>diagnose or evaluate what caused damage to a roof?</b></p> <p>09:45:54 10 A. The formal training, no.</p> <p>09:45:57 11 <b>Q. Have you ever had any training at CSAA</b></p> <p>09:45:59 12 <b>about how to figure out what caused damage to a</b></p> <p>09:46:03 13 <b>roof?</b></p> <p>09:46:04 14 A. Have I had from CSAA, no, I have not. I</p> <p>09:46:07 15 had it prior.</p> <p>09:46:08 16 <b>Q. And where did you have it prior?</b></p> <p>09:46:10 17 A. Through Farmers Insurance.</p> <p>09:46:12 18 <b>Q. How long were you there?</b></p> <p>09:46:13 19 A. I worked at Farmers for 13 years.</p> <p>09:46:18 20 <b>Q. From when to when?</b></p> <p>09:46:20 21 A. 2002 to 2015.</p> <p>09:46:24 22 <b>Q. What did you do between '15 and '17?</b></p> <p>09:46:27 23 A. Between '15 and '17 I worked for Life</p> <p>09:46:31 24 Covenant Church out of Oklahoma City.</p> <p>09:46:38 25 <b>Q. Any other jobs during that period of</b></p> |
| <p>09:44:14 1 A. I started as a homeowners claims Page 15</p> <p>09:44:16 2 specialist.</p> <p>09:44:19 3 <b>Q. Can you please tell us about any training</b></p> <p>09:44:20 4 <b>that you had when you started.</b></p> <p>09:44:22 5 A. Training from CSAA?</p> <p>09:44:24 6 <b>Q. Yes.</b></p> <p>09:44:24 7 A. I had policy training. I have continuing</p> <p>09:44:32 8 education that included hands-on teaching about</p> <p>09:44:35 9 mitigation processes, et cetera. I came in with</p> <p>09:44:39 10 more training than most, however, so I did not</p> <p>09:44:42 11 attend the other trainings.</p> <p>09:44:47 12 <b>Q. Were you given any type of claim</b></p> <p>09:44:49 13 <b>guidelines or manual as a result of that training</b></p> <p>09:44:52 14 <b>that you did go through?</b></p> <p>09:44:54 15 A. I wasn't given a manual. For me it was a</p> <p>09:44:59 16 little different as I came in in a role that most</p> <p>09:45:01 17 people promote to within CSAA, so they already know</p> <p>09:45:05 18 the claim system, the general claims path or -- so</p> <p>09:45:09 19 we walk through and do hands-on training, and then</p> <p>09:45:13 20 there's a lot of on-the-job training. The main</p> <p>09:45:17 21 training focus was the different policies.</p> <p>09:45:19 22 <b>Q. And I just want to make sure that I</b></p> <p>09:45:21 23 <b>understand. Do you remember any documents that you</b></p> <p>09:45:23 24 <b>were given as a result of your initial training at</b></p> <p>09:45:25 25 <b>CSAA that you kept?</b></p> | <p>09:46:41 1 <b>time?</b> Page 17</p> <p>09:46:41 2 A. No, sir.</p> <p>09:46:42 3 <b>Q. And what led to you leaving Farmers?</b></p> <p>09:46:49 4 A. Time commitment, change of process to</p> <p>09:46:51 5 more of a cat-based model in the homeowners claims</p> <p>09:46:55 6 department. I was a field specialist, and I didn't</p> <p>09:46:57 7 want to move to a cat-type role which had me on the</p> <p>09:47:01 8 road all the time.</p> <p>09:47:02 9 <b>Q. Any other reasons?</b></p> <p>09:47:04 10 A. No, sir.</p> <p>09:47:05 11 <b>Q. And so you resigned?</b></p> <p>09:47:07 12 A. Yes.</p> <p>09:47:12 13 <b>Q. Which office did you work out of?</b></p> <p>09:47:15 14 A. I worked out of the Oklahoma City</p> <p>09:47:19 15 HelpPoint. Prior to that it was U9, the Oklahoma</p> <p>09:47:22 16 City property office. Prior to that it was the</p> <p>09:47:22 17 Oklahoma City HelpPoint.</p> <p>09:47:22 18 <b>Q. Is HelpPoint the big complex out on</b></p> <p>09:47:25 19 <b>Memorial?</b></p> <p>09:47:26 20 A. Yes, sir.</p> <p>09:47:26 21 <b>Q. And what is U9?</b></p> <p>09:47:29 22 A. U9 was a satellite property claims office</p> <p>09:47:30 23 that stood alone out in Edmond, and then it was</p> <p>09:47:33 24 absolved (sic) back into the HelpPoint based on</p> <p>09:47:35 25 real estate deals that I had nothing -- no</p>   |

**Professional Reporters****800.376.1006****www.prreporters.com**

Mark Costello

12/13/2019

6 (18 - 21)

|   |   |
|---|---|
| <p>Page 18</p> <p>09:47:37 1 knowledge of, really.</p> <p>09:47:38 2 <b>Q. Did you ever have any breaks in your work</b></p> <p>09:47:41 3 <b>from '02 to '15?</b></p> <p>09:47:43 4 A. No breaks in the work. Different titles,</p> <p>09:47:46 5 different roles, but no breaks in the work, no,</p> <p>09:47:48 6 sir.</p> <p>09:47:48 7 <b>Q. When did you graduate high school?</b></p> <p>09:47:50 8 A. Graduated high school in 1994.</p> <p>09:47:53 9 <b>Q. From where?</b></p> <p>09:47:54 10 A. Broken Arrow.</p> <p>09:47:57 11 <b>Q. Is that where you grew up?</b></p> <p>09:47:58 12 A. Yes, sir.</p> <p>09:48:00 13 <b>Q. And what did you do after you graduated?</b></p> <p>09:48:03 14 A. Went, moved to Norman and attended the</p> <p>09:48:06 15 University of Oklahoma.</p> <p>09:48:08 16 <b>Q. Right away?</b></p> <p>09:48:08 17 A. Yes, sir.</p> <p>09:48:09 18 <b>Q. And how long did you stay there?</b></p> <p>09:48:12 19 A. I stayed in Norman predominantly until I</p> <p>09:48:17 20 moved to Las Vegas this year. I think I had a</p> <p>09:48:19 21 one-year stint where I lived in Oklahoma City</p> <p>09:48:22 22 during that.</p> <p>09:48:25 23 <b>Q. And what did you do at Life Covenant</b></p> <p>09:48:28 24 <b>Church?</b></p> <p>09:48:29 25 A. I was an associate youth pastor and then</p>   | <p>Page 20</p> <p>09:49:35 1 <b>I'm sorry, 178th and Penn.</b></p> <p>09:49:36 2 A. I thought it was 122nd. I</p> <p>09:49:38 3 can't remember. It's been several years.</p> <p>09:49:40 4 <b>Q. The main location is 178th and Penn in</b></p> <p>09:49:44 5 <b>Norman.</b></p> <p>09:49:44 6 A. The one -- it's not that one. It was the</p> <p>09:49:45 7 large broadcast location off 122nd, if I remember.</p> <p>09:49:51 8 I can't -- I could drive there if I needed to,</p> <p>09:49:54 9 but --</p> <p>09:49:54 10 <b>Q. That's my church.</b></p> <p>09:49:54 11 A. Oh, okay.</p> <p>09:49:54 12 <b>Q. That's why I'm asking.</b></p> <p>09:49:56 13 A. I got you. So it was the large Oklahoma</p> <p>09:49:59 14 City one where Craig Groeschel did do his live</p> <p>09:50:03 15 teaching until recently.</p> <p>09:50:05 16 <b>Q. And what led you to leave there?</b></p> <p>09:50:07 17 A. It was not the job I thought I was</p> <p>09:50:10 18 taking.</p> <p>09:50:11 19 <b>Q. And what does that mean?</b></p> <p>09:50:13 20 A. The time commitment was unreasonable, in</p> <p>09:50:17 21 my opinion. Having a family, it was actually worse</p> <p>09:50:20 22 than being on the road for -- as a catastrophe</p> <p>09:50:26 23 adjuster.</p> <p>09:50:27 24 <b>Q. And did you resign?</b></p> <p>09:50:29 25 A. Yes, I did.</p>   |
| <p>Page 19</p> <p>09:48:33 1 associate life groups and life missions pastor.</p> <p>09:48:37 2 <b>Q. Where did you work physically?</b></p> <p>09:48:39 3 A. Physically I worked at the Oklahoma City</p> <p>09:48:43 4 campus, which was Northwest 122nd and Penn. I</p> <p>09:48:47 5 worked at the Midwest City campus, which was on</p> <p>09:48:50 6 Reno and Air Depot in Midwest City, and then in</p> <p>09:48:54 7 Mustang off of Highway 52 and Mustang Road. Those</p> <p>09:48:58 8 are the three different campuses.</p> <p>09:49:02 9 <b>Q. So that's different than Life Church.</b></p> <p>09:49:04 10 A. No, it is part of Life Church. That's --</p> <p>09:49:06 11 the actual full name is Life Covenant Church, but</p> <p>09:49:10 12 it is known as Life Church or --</p> <p>09:49:13 13 <b>Q. I'm just trying to remember where there's</b></p> <p>09:49:15 14 <b>a campus at 122nd and Penn.</b></p> <p>09:49:17 15 A. It is -- it sits right out at -- I'm</p> <p>09:49:19 16 feeling like it's 122nd and Penn -- or maybe</p> <p>09:49:23 17 it's -- it's 122nd. I can't remember what the</p> <p>09:49:24 18 cross streets -- it's been a while.</p> <p>09:49:25 19 MR. ROBERTSON: Isn't that the one on</p> <p>09:49:26 20 that northeast corner?</p> <p>09:49:28 21 THE WITNESS: It's the biggest one.</p> <p>09:49:29 22 Maybe it's not Penn. It's further out. It's</p> <p>09:49:32 23 north. It's 122nd --</p> <p>09:49:33 24 BY MR. GIVENS:</p> <p>09:49:33 25 <b>Q. I mean, there's 178th and Western -- or</b></p> | <p>Page 21</p> <p>09:50:30 1 <b>Q. Have you ever been a cat adjuster?</b></p> <p>09:50:32 2 A. I have not been titled cat adjuster. I</p> <p>09:50:32 3 have worked on catastrophe claims.</p> <p>09:50:33 4 <b>Q. You mentioned the Moore tornado, which</b></p> <p>09:50:37 5 <b>was a tornado claim.</b></p> <p>09:50:38 6 A. Yes.</p> <p>09:50:39 7 <b>Q. Have you ever worked on any cat losses</b></p> <p>09:50:41 8 <b>that were ice and snow?</b></p> <p>09:50:46 9 A. No, sir.</p> <p>09:50:48 10 <b>Q. Did you ever have any training at Farmers</b></p> <p>09:50:48 11 <b>that specifically dealt with diagnosing damage to a</b></p> <p>09:50:50 12 <b>roof based on ice or snow?</b></p> <p>09:50:53 13 A. I had training on Far -- at Farmers on</p> <p>09:50:56 14 diagnosing damage to roof and multiple perils.</p> <p>09:50:59 15 <b>Q. So did any of that focus specifically on</b></p> <p>09:51:03 16 <b>ice and snow damage?</b></p> <p>09:51:04 17 A. It did talk about ice and snow and ice</p> <p>09:51:07 18 damming, yes.</p> <p>09:51:08 19 <b>Q. So what is -- what are the factors that</b></p> <p>09:51:09 20 <b>you look at on a roof for determining whether it's</b></p> <p>09:51:16 21 <b>damage by ice or snow?</b></p> <p>09:51:17 22 A. Are you referring to ice damming or are</p> <p>09:51:19 23 you referring to the weight of ice and snow,</p> <p>09:51:21 24 because those are two separate --</p> <p>09:51:21 25 <b>Q. Well, let's take each one.</b></p> |

**Professional Reporters**

800.376.1006

www.prreporters.com

Mark Costello

12/13/2019

7 (22 - 25)

|  |   |
|--|---|
| <p>Page 22</p> <p>09:51:23 1 A. Sure. Ice damming, generally speaking,<br/> 09:51:25 2 does not do much damage to the roof itself. It<br/> 09:51:28 3 comes from packed ice under multiple layers and<br/> 09:51:32 4 ventilation causing water to melt underneath but<br/> 09:51:35 5 stay frozen on top. The water has to find a low<br/> 09:51:38 6 place to go. Weight of ice and snow would<br/> 09:51:40 7 generally be reviewed in the areas of almost a full<br/> 09:51:44 8 collapse because it takes either a massive amount<br/> 09:51:49 9 of ice or snow or the presence of ice or snow for a<br/> 09:51:52 10 long time to create damage. You --<br/> 09:51:59 11 <b>Q. So if I'm looking at a flat roof like the</b><br/> 09:52:03 12 <b>Godfreys have that's involved in this claim, take</b><br/> 09:52:05 13 <b>ice damming for example. What physically are you</b><br/> 09:52:10 14 <b>looking for to decide in your mind whether it was</b><br/> 09:52:13 15 <b>because of ice or snow?</b><br/> 09:52:15 16 A. Specifically on the Godfreys' roof?<br/> 09:52:18 17 <b>Q. Yes, sir.</b><br/> 09:52:19 18 A. Well, again, we're looking at different<br/> 09:52:20 19 things. We didn't deny any of the water entering<br/> 09:52:24 20 the home from the presence of ice and snow. We<br/> 09:52:26 21 wrote to cover and agreed to cover the damage<br/> 09:52:30 22 caused by the water coming in from the ice and<br/> 09:52:33 23 snow.<br/> 09:52:34 24 As to the weight of the ice and snow, I<br/> 09:52:35 25 looked at multiple factors: The condition of the</p>             | <p>Page 24</p> <p>09:53:51 1 BY MR. GIVENS:<br/> 09:53:51 2 <b>Q. Where did you get your weather data?</b><br/> 09:53:54 3 A. If I believe correctly, I just looked at<br/> 09:53:56 4 local forecasts. Generally speaking, I would look<br/> 09:53:59 5 at Weather Underground. There are several sites<br/> 09:54:02 6 you can find that will give you historical data for<br/> 09:54:08 7 weather.<br/> 09:54:09 8 <b>Q. And I guess I'm just asking --</b><br/> 09:54:10 9 A. And also I was local in the area, so I<br/> 09:54:13 10 knew -- I knew the basic weather patterns and I<br/> 09:54:16 11 knew when it was cold and when it wasn't.<br/> 09:54:17 12 <b>Q. Well, you lived in Norman at the time; is</b><br/> 09:54:19 13 <b>that right?</b><br/> 09:54:20 14 A. I did, but I also worked in Oklahoma<br/> 09:54:22 15 City, North Oklahoma City, Edmond area.<br/> 09:54:23 16 <b>Q. At May and Memorial?</b><br/> 09:54:26 17 A. Yes.<br/> 09:54:28 18 <b>Q. I'm trying to understand specifically</b><br/> 09:54:30 19 <b>where you looked to get your weather data, and I</b><br/> 09:54:32 20 <b>think you said there's various --</b><br/> 09:54:34 21 A. There is --<br/> 09:54:34 22 <b>Q. -- sources. I'm asking you which ones</b><br/> 09:54:36 23 <b>you looked at.</b><br/> 09:54:37 24 A. I cannot recall exactly. My normal ones<br/> 09:54:39 25 would have been Weather Underground, local news.</p>  |
| <p>Page 23</p> <p>09:52:37 1 roof, the forecast and the temperatures at the<br/> 09:52:41 2 time, the condition of the roof away from where the<br/> 09:52:44 3 ice damming occurred. There was a lot that went<br/> 09:52:48 4 into it.<br/> 09:52:53 5 <b>Q. I guess I'm -- I don't feel like I'm</b><br/> 09:52:55 6 <b>getting an answer to what I'm asking. I'm asking</b><br/> 09:52:58 7 <b>as you're looking at their roof -- and you only saw</b><br/> 09:53:01 8 <b>it in pictures; right?</b><br/> 09:53:03 9 A. Correct.<br/> 09:53:03 10 <b>Q. So in the pictures, what physically are</b><br/> 09:53:04 11 <b>you looking at to decide whether the cause of the</b><br/> 09:53:09 12 <b>water coming in the house was from the ice damming</b><br/> 09:53:12 13 <b>or the weight of snow?</b><br/> 09:53:15 14 MR. ROBERTSON: Objection to form.<br/> 09:53:16 15 THE WITNESS: Again, we're looking at two<br/> 09:53:18 16 different things. We looked at could ice have been<br/> 09:53:21 17 there and water entered the home through that, yes.<br/> 09:53:23 18 So we -- that's why the interior damages were<br/> 09:53:26 19 accounted for and covered by the policy. The other<br/> 09:53:29 20 question being asked was did the weight of ice or<br/> 09:53:32 21 snow pull the roof away from the edge. So I looked<br/> 09:53:35 22 at the overall condition of the roof. I looked at<br/> 09:53:38 23 any previous potential repairs in the area. I<br/> 09:53:41 24 looked at the weather specifically on how long ice<br/> 09:53:45 25 could have been present on that roof.</p> | <p>Page 25</p> <p>09:54:46 1 <b>Q. How do you go back and look at what the</b><br/> 09:54:48 2 <b>news said a week later or two weeks later?</b><br/> 09:54:51 3 A. You can look where -- I mean, looking at<br/> 09:54:53 4 weather data, if you Google weather, Oklahoma City<br/> 09:54:56 5 weather, Edmond, and put dates in, it will give you<br/> 09:55:00 6 a multitude of sites to look at and compare.<br/> 09:55:02 7 <b>Q. Are you saying you actually did that in</b><br/> 09:55:04 8 <b>the Godfrey claim?</b><br/> 09:55:04 9 A. I believe I did, yes.<br/> 09:55:07 10 <b>Q. Or that's what you would have normally</b><br/> 09:55:08 11 <b>done?</b><br/> 09:55:08 12 A. That's part of my normal process, so I<br/> 09:55:10 13 have no reason to think I would not have done that<br/> 09:55:12 14 in this claim.<br/> 09:55:13 15 <b>Q. But as to whether you exactly did it in</b><br/> 09:55:15 16 <b>this claim can you say?</b><br/> 09:55:17 17 A. I do believe I did. As I reviewed the<br/> 09:55:20 18 file, I do believe the discussions I had with the<br/> 09:55:20 19 owning adjuster included the weather at the time of<br/> 09:55:21 20 the claim.<br/> 09:55:23 21 <b>Q. And just for the record, is it true that</b><br/> 09:55:24 22 <b>I gave you a copy of the claim file, and that's</b><br/> 09:55:27 23 <b>what's in your hands right now?</b><br/> 09:55:28 24 A. Yes, sir, it is.<br/> 09:55:30 25 <b>Q. And I advised you that you're free to</b></p> |

**Professional Reporters**

800.376.1006

www.proreporters.com



Mark Costello

12/13/2019

8 (26 - 29)

|  |  |
|--|--|
| <p>09:55:32 1 refer to it, rely upon it at any time you want.</p> <p>09:55:36 2 A. Yes, sir.</p> <p>09:55:36 3 Q. Okay. There is mention in the claim</p> <p>09:55:38 4 file, either by you or the handling adjuster,</p> <p>09:55:41 5 Miss Brooks, that -- that you are or her or both of</p> <p>09:55:45 6 you didn't think that there was enough ice or snow</p> <p>09:55:49 7 to cause this damage, but I couldn't find any</p> <p>09:55:53 8 weather data in the file. Is there a reason that</p> <p>09:55:55 9 the weather data you're referencing isn't noted in</p> <p>09:55:59 10 the file?</p> <p>09:56:00 11 MR. ROBERTSON: Objection to form.</p> <p>09:56:02 12 THE WITNESS: Sure. Because I could even</p> <p>09:56:04 13 today still go back and find that weather data if I</p> <p>09:56:06 14 need it. I don't put every single note, form,</p> <p>09:56:10 15 thing in the file. I note that the weather was</p> <p>09:56:13 16 reviewed or else these claim files would be a</p> <p>09:56:16 17 monstrosity per claim.</p> <p>09:56:19 18 BY MR. GIVENS:</p> <p>09:56:19 19 Q. But would you agree that if you're going</p> <p>09:56:21 20 to deny causation of damage based on ice and snow</p> <p>09:56:25 21 as wear and tear, relying on weather data,</p> <p>09:56:33 22 shouldn't that weather data that you're relying on</p> <p>09:56:40 23 be put in the claim file?</p> <p>09:56:42 24 MR. ROBERTSON: Objection to form.</p> <p>09:56:43 25 THE WITNESS: I -- I noted that I</p> | <p>09:57:34 1 A. Well, there's a couple factors, not just</p> <p>09:57:37 2 weather data. The weather data getting above a</p> <p>09:57:40 3 freezing point would tell me that ice and snow</p> <p>09:57:42 4 would melt above freezing, and then the other</p> <p>09:57:45 5 factor of the presence of water tells us that the</p> <p>09:57:47 6 ice and snow melted.</p> <p>09:57:50 7 Q. Well, how long does it take for ice to</p> <p>09:57:51 8 melt on a flat roof?</p> <p>09:57:53 9 A. Depends on the amount of ice.</p> <p>09:57:56 10 Q. Did you do any type of analysis or</p> <p>09:57:58 11 calculation on this roof or this melt?</p> <p>09:58:02 12 A. I was able to -- I mean, when I looked at</p> <p>09:58:05 13 the photos, there was no ice present a few weeks</p> <p>09:58:08 14 later. Again, it was based on the photos provided</p> <p>09:58:12 15 as well as the data gathered.</p> <p>09:58:16 16 Q. Is it true that in the claim file there</p> <p>09:58:19 17 are references to the plaintiff Mr. Godfrey and a</p> <p>09:58:24 18 roofer actually getting up on the roof and trying</p> <p>09:58:27 19 to remove as much of the ice and snow as they</p> <p>09:58:30 20 could?</p> <p>09:58:31 21 A. I do not recall.</p> <p>09:58:36 22 Q. Do you recall that that's what they did</p> <p>09:58:37 23 to try and mitigate and stop the leaks?</p> <p>09:58:40 24 A. I do not recall. I know they tarped the</p> <p>09:58:42 25 roof, so that would probably necessitate some</p>  |
| <p>09:56:43 1 reviewed the weather data.</p> <p>09:56:43 2 BY MR. GIVENS:</p> <p>09:56:43 3 Q. Does CSAA have any policy on that in</p> <p>09:56:46 4 terms of putting that data in the claim file if you</p> <p>09:56:53 5 rely on it?</p> <p>09:56:53 6 A. CSAA asks that we put pertinent</p> <p>09:56:53 7 information to our decision in the file, which I</p> <p>09:56:53 8 noted as "Reviewed the weather."</p> <p>09:56:55 9 Q. But as to what data you reviewed, you</p> <p>09:56:57 10 don't consider that important data to the outcome</p> <p>09:57:01 11 of this claim?</p> <p>09:57:02 12 MR. ROBERTSON: Objection.</p> <p>09:57:02 13 THE WITNESS: No, I do. That's why I</p> <p>09:57:04 14 noted that I reviewed it. Again, it could be found</p> <p>09:57:06 15 today if I went and looked for it.</p> <p>09:57:10 16 BY MR. GIVENS:</p> <p>09:57:10 17 Q. Well, do you recall how much ice and snow</p> <p>09:57:12 18 was on the roofs in Edmond that storm?</p> <p>09:57:15 19 A. Not off the top of my head, no. I</p> <p>09:57:18 20 believe the weather supported that it wouldn't have</p> <p>09:57:20 21 been on there very long just because we weren't</p> <p>09:57:24 22 below freezing for very long at the time.</p> <p>09:57:26 23 Q. How does weather data show you that ice</p> <p>09:57:29 24 and snow didn't sit on a flat roof for an extended</p> <p>09:57:33 25 period of time?</p>   | <p>09:58:44 1 removal if there was things there. Again, I don't</p> <p>09:58:47 2 have photos that supported anything for that.</p> <p>09:58:48 3 Q. And if they did take those actions, that</p> <p>09:58:51 4 was the right thing for them to do?</p> <p>09:58:53 5 A. The policy does ask you to -- to do your</p> <p>09:58:55 6 best to mitigate your damages. Yes, you are</p> <p>09:58:57 7 responsible for that.</p> <p>09:58:58 8 Q. So going back to my original question, is</p> <p>09:59:01 9 there anything you can look at in terms of, say,</p> <p>09:59:04 10 the edges of the flat roof, how it looks next to</p> <p>09:59:09 11 where it originally was, to decide if it's damage</p> <p>09:59:13 12 from ice or snow?</p> <p>09:59:15 13 MR. ROBERTSON: Objection to form.</p> <p>09:59:18 14 THE WITNESS: What I can do is take a</p> <p>09:59:19 15 look at the edges of the flat roof and determine</p> <p>09:59:21 16 that there had been previous repairs made. The --</p> <p>09:59:25 17 the pull-away was not consistent with a straight</p> <p>09:59:28 18 pull-away. It was consistent with the other waves</p> <p>09:59:33 19 seen on the roof which happen over time on flat</p> <p>09:59:34 20 roofs based on wear and tear and deterioration.</p> <p>09:59:38 21 BY MR. GIVENS:</p> <p>09:59:38 22 Q. Could you explain that a little more.</p> <p>09:59:39 23 What do you mean?</p> <p>09:59:40 24 A. Sure. The photos, one, they showed that</p> <p>09:59:43 25 previous repairs had been made to those same edges.</p> |

**Professional Reporters**

800.376.1006

www.prreporters.com

| Page 30   | Page 32   |
|---|---|
| <p>09:59:46 1 So this was not a new form of damage. There was an</p> <p>09:59:52 2 additional layer of seal. There was different</p> <p>09:59:55 3 coloration there. The photos showed that the edges</p> <p>09:59:57 4 were not pulled straight back away. They were up</p> <p>10:00:00 5 in a cupped area which would be more consistent</p> <p>10:00:03 6 with that hap- -- the seal failing over time</p> <p>10:00:06 7 could then with something pulling it straight</p> <p>10:00:10 8 back -- you would accept that something pulling it</p> <p>10:00:12 9 straight -- or expect something pulling it straight</p> <p>10:00:12 10 back to pull it away, not up.</p> <p>10:00:18 11 <b>Q. Are you saying that ice and snow cannot</b></p> <p>10:00:21 12 <b>pull a flat roof up at the --</b></p> <p>10:00:23 13 A. No.</p> <p>10:00:23 14 <b>Q. -- at the edge?</b></p> <p>10:00:24 15 A. What I'm saying was the damage in the</p> <p>10:00:26 16 photos was consistent with that happening over</p> <p>10:00:29 17 time.</p> <p>10:00:30 18 <b>Q. Is there any other evidence that you saw</b></p> <p>10:00:32 19 <b>that you relied on that helped to make your</b></p> <p>10:00:35 20 <b>decision?</b></p> <p>10:00:36 21 MR. ROBERTSON: Objection, asked and</p> <p>10:00:37 22 answered.</p> <p>10:00:37 23 BY MR. GIVENS:</p> <p>10:00:37 24 <b>Q. I'm trying to make sure you've said</b></p> <p>10:00:39 25 <b>everything there was.</b></p>   | <p>10:01:45 1 repairs -- spot repairs on flat roofs.</p> <p>10:01:48 2 <b>Q. I'm just asking you based on your viewing</b></p> <p>10:01:50 3 <b>of the pictures how do you know that?</b></p> <p>10:01:52 4 A. Based on the levels of deterioration</p> <p>10:01:55 5 around it versus the spots themselves, based on the</p> <p>10:01:58 6 notes of the adjuster on site.</p> <p>10:02:03 7 <b>Q. And when you say levels of deterioration,</b></p> <p>10:02:06 8 <b>physically what are you talking about?</b></p> <p>10:02:08 9 A. Physically along the seams you can see</p> <p>10:02:10 10 there's deterioration. You can see waves in the</p> <p>10:02:14 11 roof, which is not uncommon with a flat roof. Over</p> <p>10:02:17 12 time, as weight does put pressure on it, it begins</p> <p>10:02:21 13 to not be a flat surface. Those are consistent</p> <p>10:02:25 14 across the roof. Those don't happen from a</p> <p>10:02:28 15 one-time event unless that event is extremely long.</p> <p>10:02:29 16 Those we have in the presence of water over time.</p> <p>10:02:31 17 Even in the photos a few weeks later there's a</p> <p>10:02:36 18 different area of the roof that shows ponding with</p> <p>10:02:39 19 standing water on it.</p> <p>10:02:44 20 <b>Q. What do you mean by "waves"?</b></p> <p>10:02:46 21 A. If you look at the roof itself, it is not</p> <p>10:02:51 22 a flat surface. It is not a flat roof. The --</p> <p>10:02:55 23 there are areas of compressed -- of the EPDM</p> <p>10:03:02 24 material throughout it, and it gives a presence of</p> <p>10:03:04 25 looking like there is literal waves moving through</p> |
| Page 31   | Page 33   |
| <p>10:00:40 1 A. Again, the overall condition of the roof,</p> <p>10:00:42 2 the wave pattern of the flat roof that was</p> <p>10:00:47 3 consistent throughout, the areas of previous repair</p> <p>10:00:50 4 on the roof.</p> <p>10:00:53 5 <b>Q. Are you --</b></p> <p>10:00:54 6 A. All of those led to the determination of</p> <p>10:00:56 7 this was a pattern of wear and tear of things</p> <p>10:00:59 8 happening over time, not -- not from this snow and</p> <p>10:01:04 9 ice event.</p> <p>10:01:04 10 <b>Q. Could what you're calling seal or sealant</b></p> <p>10:01:07 11 <b>have been glue that was used when the roof was</b></p> <p>10:01:10 12 <b>installed?</b></p> <p>10:01:11 13 A. Potentially, yes, however, based on the</p> <p>10:01:14 14 discoloration, it appeared to be much newer than</p> <p>10:01:17 15 the rest of the roof area. There was also several</p> <p>10:01:20 16 other repairs done on that roof over time.</p> <p>10:01:22 17 <b>Q. And how do you know that?</b></p> <p>10:01:24 18 A. You could see them in the photos.</p> <p>10:01:25 19 They're identified in several photos.</p> <p>10:01:27 20 <b>Q. And how do you know they're repairs</b></p> <p>10:01:29 21 <b>versus glue or sealant put on originally?</b></p> <p>10:01:33 22 A. Again, you know, some of it's from the</p> <p>10:01:36 23 notes of the adjuster on site. I'm not sure what</p> <p>10:01:41 24 discussions he had with the roofer. I wasn't privy</p> <p>10:01:43 25 to those. But they're consistent with repairs,</p> | <p>10:03:12 1 it.</p> <p>10:03:13 2 <b>Q. And are you saying that cannot be caused</b></p> <p>10:03:14 3 <b>by ice or snow?</b></p> <p>10:03:15 4 A. I'm saying that presence would -- that</p> <p>10:03:16 5 level of deterioration would require sitting ice or</p> <p>10:03:20 6 snow for an extended period of time to do that.</p> <p>10:03:23 7 <b>Q. Well, could the waves exist but the ice</b></p> <p>10:03:26 8 <b>and snow still affect the edges of a flat roof so</b></p> <p>10:03:29 9 <b>water can get in?</b></p> <p>10:03:30 10 A. That's not what happened in this claim</p> <p>10:03:31 11 from the photos and the inspection.</p> <p>10:03:34 12 <b>Q. How do you know?</b></p> <p>10:03:36 13 A. Again, based on the weather data from the</p> <p>10:03:39 14 time, the appearance of previous repairs to the</p> <p>10:03:42 15 same areas, this was not something that was -- and</p> <p>10:03:45 16 the overall cupping and stretch of that material</p> <p>10:03:49 17 did not give the appearance of something that</p> <p>10:03:51 18 happened on a one-time short event.</p> <p>10:03:54 19 <b>Q. Are you aware that the Godfreys advised</b></p> <p>10:03:58 20 <b>CSAA that the leaks involved in this claim started</b></p> <p>10:04:05 21 <b>suddenly at that time?</b></p> <p>10:04:06 22 A. I am aware, and we covered the interior</p> <p>10:04:08 23 water from those edges.</p> <p>10:04:10 24 <b>Q. Okay. I'm asking you that because if all</b></p> <p>10:04:13 25 <b>of this is going on with this roof as you've said,</b></p>   |

|  |   |
|--|---|
| <p>Page 34</p> <p>10:04:18 1 wouldn't there have been leaks prior to the day</p> <p>10:04:21 2 that all the ice and snow was on the roof?</p> <p>10:04:25 3 A. It would have taken it melting on the</p> <p>10:04:27 4 edge for water to come in.</p> <p>10:04:28 5 Q. Well, rain would come in, wouldn't it,</p> <p>10:04:31 6 whenever it would rain if it was really worn and</p> <p>10:04:34 7 torn -- strike that.</p> <p>10:04:35 8 Rain would come in when it would rain if</p> <p>10:04:37 9 it was an old roof in bad condition from wear and</p> <p>10:04:43 10 tear; correct?</p> <p>10:04:43 11 A. Not always, no.</p> <p>10:04:45 12 Q. Why not?</p> <p>10:04:46 13 A. I mean, if you look at that roof, a lot</p> <p>10:04:47 14 of it goes towards the ponding in the center. You</p> <p>10:04:51 15 would have to have rain itself flowing in a flat</p> <p>10:04:56 16 roof direction. There is an edge to it that can</p> <p>10:04:56 17 deflect some of that. The reason ice and snow</p> <p>10:04:58 18 would go in is because ice did fill and sit on the</p> <p>10:05:01 19 edges, and when that melted, it had a straight path</p> <p>10:05:04 20 down. Saying rain would have that same straight</p> <p>10:05:07 21 path, not always consistent, no. I didn't check</p> <p>10:05:10 22 the rain. Generally speaking, not the rainiest</p> <p>10:05:15 23 time of year, so. . .</p> <p>10:05:20 24 Q. It just seems odd that it's a coincidence</p> <p>10:05:23 25 that all this water would suddenly come in their</p> | <p>Page 36</p> <p>10:06:25 1 deteriorating and happening over time.</p> <p>10:06:27 2 BY MR. GIVENS:</p> <p>10:06:27 3 Q. My question is the water that got in the</p> <p>10:06:28 4 house and inflicted damage on the house, how do you</p> <p>10:06:32 5 rule out that the ice and snow had zero impact on</p> <p>10:06:36 6 causing the roof to let the water in --</p> <p>10:06:39 7 A. We ruled out --</p> <p>10:06:39 8 MR. ROBERTSON: Objection.</p> <p>10:06:41 9 THE WITNESS: Oh, sorry.</p> <p>10:06:41 10 MR. ROBERTSON: Objection to form.</p> <p>10:06:41 11 THE WITNESS: We ruled out because of all</p> <p>10:06:43 12 the previous factors we just discussed, that the</p> <p>10:06:46 13 roof damage was caused by the ice and snow;</p> <p>10:06:48 14 however, we did cover the water entering the</p> <p>10:06:50 15 home.</p> <p>10:06:52 16 BY MR. GIVENS:</p> <p>10:06:52 17 Q. You've said that many times. You didn't</p> <p>10:06:54 18 write the Godfreys a check; right?</p> <p>10:06:56 19 A. It was -- the water entering the home was</p> <p>10:06:59 20 below their -- their chosen and paid-for</p> <p>10:07:04 21 deductible.</p> <p>10:07:04 22 Q. Right. So no payments have been issued</p> <p>10:07:04 23 to the Godfreys on this claim; is that correct?</p> <p>10:07:04 24 A. Because it did not exceed the deductible</p> <p>10:07:06 25 that they chose on their policy.</p>  |
| <p>Page 35</p> <p>10:05:25 1 house at the time there's this snow and ice event</p> <p>10:05:29 2 but not before that --</p> <p>10:05:30 3 MR. ROBERTSON: Objection. Sorry.</p> <p>10:05:31 4 BY MR. GIVENS:</p> <p>10:05:31 5 Q. Did that trouble you at all?</p> <p>10:05:34 6 A. No, sir, because it made sense why it</p> <p>10:05:36 7 would come in at that time, and if it'd been a dry</p> <p>10:05:39 8 season previous to it, you wouldn't have noticed</p> <p>10:05:42 9 anything. It would take the presence of water for</p> <p>10:05:45 10 water to come in.</p> <p>10:05:50 11 Q. And you're not sure what the weather data</p> <p>10:05:52 12 would show for how rainy it was in the months</p> <p>10:05:55 13 leading up to February of 20 --</p> <p>10:05:57 14 A. I'd have to go back.</p> <p>10:05:57 15 Q. -- 2018?</p> <p>10:05:58 16 A. Not that I can recall directly. I'd have</p> <p>10:06:00 17 to go look.</p> <p>10:06:01 18 Q. Okay. So could this loss have happened</p> <p>10:06:09 19 because of a combination of a roof that was that</p> <p>10:06:12 20 old and the ice and snow that also pulled on the</p> <p>10:06:14 21 roof?</p> <p>10:06:15 22 MR. ROBERTSON: Objection to form.</p> <p>10:06:18 23 THE WITNESS: I would say we covered the</p> <p>10:06:18 24 water because of the presence of ice and snow. We</p> <p>10:06:22 25 did not cover the roof because that had been</p>   | <p>Page 37</p> <p>10:07:12 1 Q. But their claim was for the roof damage</p> <p>10:07:14 2 as well as all the leaks in their house; correct?</p> <p>10:07:17 3 A. That's what they filed the claim for,</p> <p>10:07:19 4 correct.</p> <p>10:07:19 5 Q. And had you covered the roof damage, it</p> <p>10:07:22 6 would have been above their deductible; correct?</p> <p>10:07:25 7 A. If the roof damage was caused by a</p> <p>10:07:27 8 covered peril, yes, the damages would have exceeded</p> <p>10:07:30 9 their deductible.</p> <p>10:07:33 10 Q. We received some new documents two days</p> <p>10:07:38 11 ago relating to other claims. Were you asked to</p> <p>10:07:40 12 look at any of those documents?</p> <p>10:07:44 13 A. In review of the claim with my attorney,</p> <p>10:07:46 14 I was asked to look at those documents.</p> <p>10:07:50 15 Q. Was that in preparation for your</p> <p>10:07:51 16 deposition just this week?</p> <p>10:07:53 17 A. Yes, sir.</p> <p>10:07:54 18 Q. Okay. Does anything in those documents</p> <p>10:08:00 19 affect your opinions either way on whether this</p> <p>10:08:03 20 loss should have been covered?</p> <p>10:08:04 21 A. Based on -- are you referring to the</p> <p>10:08:08 22 supplement sent in on two separate claims?</p> <p>10:08:11 23 Q. No. Let me clarify my question. We</p> <p>10:08:15 24 received a stack of documents two days ago</p> <p>10:08:20 25 regarding claims of various dates on this home.</p> |

Mark Costello

12/13/2019

11 (38 - 41)

|  |   |
|--|---|
| <p>10:08:24 1 <b>It's not anything that relates to the claim</b></p> <p>10:08:29 2 <b>involved in this lawsuit.</b></p> <p>10:08:30 3 A. What I reviewed in preparation for this</p> <p>10:08:34 4 was an estimate prepar- -- a supplemental estimate</p> <p>10:08:40 5 prepared by, I believe, Ultimate Roofing that</p> <p>10:08:43 6 referenced two separate claims.</p> <p>10:08:45 7 <b>Q. That was submitted in relation to this</b></p> <p>10:08:46 8 <b>claim, though; correct?</b></p> <p>10:08:47 9 A. It was submitted in relation to two</p> <p>10:08:49 10 separate claims, and it was addressed on both of</p> <p>10:08:52 11 the claims, and I know this looking back now. I</p> <p>10:08:55 12 didn't -- there was nothing provided to me to</p> <p>10:08:57 13 review until this week.</p> <p>10:08:59 14 <b>Q. Okay. So you're just saying you looked</b></p> <p>10:09:02 15 <b>at the one from 2017 that the contractor involved</b></p> <p>10:09:08 16 <b>in this loss brought up?</b></p> <p>10:09:13 17 A. Most recently, yes.</p> <p>10:09:16 18 <b>Q. So you didn't look at any documents from</b></p> <p>10:09:18 19 <b>other losses?</b></p> <p>10:09:21 20 A. Not in making my determination on this</p> <p>10:09:22 21 claim, no.</p> <p>10:09:23 22 <b>Q. Or for any reason this week?</b></p> <p>10:09:25 23 A. No, sir, not that I can recall.</p> <p>10:09:27 24 <b>Q. I'm just trying to narrow down what</b></p> <p>10:09:31 25 <b>you've looked at to get ready for your deposition</b></p> | <p>Page 38</p> <p>10:10:43 1 THE WITNESS: If you're saying over time</p> <p>10:10:44 2 these things exacerbated, that literally meets the</p> <p>10:10:49 3 definition of wear and tear and deterioration over</p> <p>10:10:52 4 time.</p> <p>10:10:54 5 BY MR. GIVENS:</p> <p>10:10:54 6 <b>Q. No, that's not what I'm asking at all.</b></p> <p>10:10:55 7 <b>I'm asking if wind in 2017 and ice and snow in</b></p> <p>10:10:58 8 <b>2018, less than a year apart, combine to create</b></p> <p>10:11:02 9 <b>openings that water goes through, the loss would be</b></p> <p>10:11:06 10 <b>covered under either or both of those; right?</b></p> <p>10:11:09 11 A. If the loss -- if the damage was done by</p> <p>10:11:11 12 the specific windstorm, it would have been covered</p> <p>10:11:13 13 by that specific windstorm. If the damage was done</p> <p>10:11:16 14 by the weight of ice and snow, it would have been</p> <p>10:11:20 15 covered by the weight of ice and snow. If the</p> <p>10:11:22 16 damage is done over time from multiple windstorms,</p> <p>10:11:29 17 from multiple pressures of ice, water weight, and</p> <p>10:11:32 18 snow, again that would meet the definition of</p> <p>10:11:35 19 deterioration, wear and tear over time, not from a</p> <p>10:11:38 20 specific event.</p> <p>10:11:39 21 <b>Q. Is that something that CSAA has trained</b></p> <p>10:11:41 22 <b>you on, if damage occurs in separate events,</b></p> <p>10:11:44 23 <b>somehow that translates to wear and tear?</b></p> <p>10:11:46 24 A. No. Your insurance policy covers the</p> <p>10:11:49 25 specific event. So we did cover damage, as I</p> |
| <p>10:09:34 1 <b>so we can talk about it.</b></p> <p>10:09:35 2 <b>The claim documents that you've mentioned</b></p> <p>10:09:36 3 <b>from 2017, those related to a -- a storm that</b></p> <p>10:09:42 4 <b>included wind of high speeds that resulted in a</b></p> <p>10:09:45 5 <b>claim on part of the Godfreys' roof; correct?</b></p> <p>10:09:51 6 A. Correct.</p> <p>10:09:53 7 <b>Q. When this claim was denied, the Godfreys'</b></p> <p>10:09:59 8 <b>contractor, who actually performed work for that</b></p> <p>10:10:01 9 <b>previous damage, asked CSAA to consider the</b></p> <p>10:10:09 10 <b>contributing factor of the 2017 windstorm --</b></p> <p>10:10:15 11 A. Correct.</p> <p>10:10:15 12 <b>Q. -- correct? Since the Godfreys had</b></p> <p>10:10:18 13 <b>coverage with CSAA for both of those, if those --</b></p> <p>10:10:21 14 <b>separately or together, those events led to these</b></p> <p>10:10:24 15 <b>leaks, it should be covered; right?</b></p> <p>10:10:26 16 MR. ROBERTSON: Objection to form.</p> <p>10:10:28 17 THE WITNESS: Incorrect.</p> <p>10:10:28 18 BY MR. GIVENS:</p> <p>10:10:28 19 <b>Q. Why?</b></p> <p>10:10:29 20 A. Claims don't work as a combination of</p> <p>10:10:32 21 factors over years. That more meets the definition</p> <p>10:10:34 22 of wear and tear, deterioration over time.</p> <p>10:10:38 23 <b>Q. How is that?</b></p> <p>10:10:41 24 A. Well --</p> <p>10:10:42 25 MR. ROBERTSON: Objection. Go ahead.</p>                                  | <p>Page 39</p> <p>10:11:52 1 reviewed the file in 2017, caused by that wind</p> <p>10:11:56 2 event. In 2018 we did cover damage caused by the</p> <p>10:12:01 3 water entering the home.</p> <p>10:12:02 4 <b>Q. Okay.</b></p> <p>10:12:02 5 A. Those were separate events with separate</p> <p>10:12:04 6 deductibles and separate claims.</p> <p>10:12:06 7 <b>Q. Is it true that those roofs, though, are</b></p> <p>10:12:08 8 <b>right next to each other?</b></p> <p>10:12:10 9 A. I believe, if I looked at it correctly,</p> <p>10:12:12 10 they were on opposite sides of the house, but I</p> <p>10:12:14 11 could -- that was just from reviewing it this</p> <p>10:12:15 12 week --</p> <p>10:12:16 13 <b>Q. Okay.</b></p> <p>10:12:16 14 A. -- with --</p> <p>10:12:17 15 <b>Q. If the document -- if the documents show</b></p> <p>10:12:18 16 <b>that they're next to each other, would you dispute</b></p> <p>10:12:20 17 <b>that?</b></p> <p>10:12:22 18 A. I'd have no reason to.</p> <p>10:12:23 19 <b>Q. Okay. And wasn't that part of what the</b></p> <p>10:12:26 20 <b>contractor was saying, after the denial in 2018,</b></p> <p>10:12:31 21 <b>that you had this roof right next to this other</b></p> <p>10:12:34 22 <b>roof, and in 2017 part of it was totaled and</b></p> <p>10:12:41 23 <b>replaced, and next to that, in 2018, you have water</b></p> <p>10:12:44 24 <b>get in that he was saying was from wind in '17 and</b></p> <p>10:12:52 25 <b>the ice and snow in '18? Those would be two</b></p>   |

**Professional Reporters**

800.376.1006

www.proreporters.com

|  |   |
|--|---|
| <p>Page 42</p> <p>10:12:56 1 covered events, I guess, is my question --</p> <p>10:12:58 2 MR. ROBERTSON: Object --</p> <p>10:12:59 3 BY MR. GIVENS:</p> <p>10:12:59 4 Q. -- if those are the facts.</p> <p>10:13:00 5 MR. ROBERTSON: Objection to the form.</p> <p>10:13:01 6 THE WITNESS: Those would be two separate</p> <p>10:13:02 7 events again, and earlier you referenced why</p> <p>10:13:08 8 wouldn't have water come in before. So if it was</p> <p>10:13:10 9 happening from 2017 and 2018, that would give a</p> <p>10:13:16 10 longer window to have noticed as far as -- I guess</p> <p>10:13:20 11 I'm confused at --</p> <p>10:13:23 12 BY MR. GIVENS:</p> <p>10:13:23 13 Q. I'm just asking about what the contractor</p> <p>10:13:24 14 was telling CSAA in his opinion, the wind in '17</p> <p>10:13:33 15 caused issues with the roof combined with the ice</p> <p>10:13:36 16 and snow in '18 that led to these leaks. Is that a</p> <p>10:13:39 17 correct statement of what he was telling CSAA?</p> <p>10:13:41 18 MR. ROBERTSON: Objection to form.</p> <p>10:13:43 19 THE WITNESS: I mean, from what I</p> <p>10:13:45 20 reviewed of his notes this week, he also thought</p> <p>10:13:47 21 that hail should be included, which would be</p> <p>10:13:50 22 another separate stand-alone event, so --</p> <p>10:13:55 23 BY MR. GIVENS:</p> <p>10:13:55 24 Q. Let me boil it down to this. If I have</p> <p>10:13:57 25 coverage with one insurance company for multiple</p> | <p>Page 44</p> <p>10:15:06 1 somebody out and they see damage that let water in,</p> <p>10:15:09 2 wouldn't that still be covered? It's a supplement.</p> <p>10:15:12 3 A. We would review a supplement and any</p> <p>10:15:14 4 supporting evidence with a supplement compared to</p> <p>10:15:17 5 what we have. If --</p> <p>10:15:17 6 Q. So that happens at times?</p> <p>10:15:18 7 A. It does happen, yes.</p> <p>10:15:19 8 Q. So there's no six-month limit or</p> <p>10:15:22 9 eight-month limit or year limit on damage being</p> <p>10:15:25 10 covered if it's a covered event?</p> <p>10:15:27 11 A. We would have to have reasonable --</p> <p>10:15:29 12 reason why it would take so long. We would ask.</p> <p>10:15:32 13 We would also review what we had from that claim.</p> <p>10:15:35 14 We would see, you know, the photos taken if -- in</p> <p>10:15:39 15 2017. If we have those same roofs and they don't</p> <p>10:15:41 16 have that damage showing and they have them showing</p> <p>10:15:43 17 now, then we would actually question, okay, well,</p> <p>10:15:47 18 when we were here for the event and we found</p> <p>10:15:49 19 damage, we did not find damage here. We have notes</p> <p>10:15:52 20 in our files. We have photos that support no</p> <p>10:15:54 21 damage here. Why eight months later would you</p> <p>10:15:57 22 think this damage is related to that?</p> <p>10:16:00 23 Q. Can high winds weaken a flat roof?</p> <p>10:16:06 24 A. I mean, speaking in general terms,</p> <p>10:16:06 25 potentially, sure.</p> |
| <p>Page 43</p> <p>10:13:59 1 events, and the damage is caused by one or a</p> <p>10:14:06 2 combination of those events, the damage is still a</p> <p>10:14:12 3 covered loss; correct?</p> <p>10:14:13 4 MR. ROBERTSON: Objection to form.</p> <p>10:14:14 5 THE WITNESS: It's not what happened in</p> <p>10:14:15 6 this claim.</p> <p>10:14:17 7 BY MR. GIVENS:</p> <p>10:14:17 8 Q. But if what I said is true, wouldn't it</p> <p>10:14:20 9 be covered if the damage we're talking about, the</p> <p>10:14:23 10 reason water got in, is covered by one or a</p> <p>10:14:26 11 combination of the events with the same company?</p> <p>10:14:32 12 MR. ROBERTSON: Objection to form.</p> <p>10:14:33 13 THE WITNESS: Again, if you're talking --</p> <p>10:14:35 14 you're asking me over a year's period to combine</p> <p>10:14:38 15 two events. That's not how an insurance policy</p> <p>10:14:41 16 contract works.</p> <p>10:14:42 17 BY MR. GIVENS:</p> <p>10:14:42 18 Q. Well, the two events were about eight</p> <p>10:14:44 19 months apart, right, April of '17 to February of</p> <p>10:14:47 20 '18?</p> <p>10:14:48 21 A. Okay.</p> <p>10:14:49 22 Q. So if the Godfreys had come back before</p> <p>10:14:52 23 this ice and snow event because of leaks and</p> <p>10:14:58 24 said, "We think it's related to that previous</p> <p>10:15:01 25 storm. Somebody missed something," and you send</p>  | <p>Page 45</p> <p>10:16:08 1 Q. Sure. And they can lift up the edges if</p> <p>10:16:08 2 it's high enough winds?</p> <p>10:16:08 3 A. I believe that was the damage that was</p> <p>10:16:09 4 covered in 2017, yes.</p> <p>10:16:11 5 Q. To a flat roof right next to this flat</p> <p>10:16:13 6 roof that's involved in this --</p> <p>10:16:15 7 A. At a different angle, I believe, but,</p> <p>10:16:18 8 yes.</p> <p>10:16:19 9 Q. Okay. So is it possible that wind could</p> <p>10:16:22 10 weaken the roof, weaken the edges, and then snow</p> <p>10:16:26 11 and ice comes along and finishes it off and water</p> <p>10:16:26 12 comes in?</p> <p>10:16:28 13 MR. ROBERTSON: Objection.</p> <p>10:16:28 14 BY MR. GIVENS:</p> <p>10:16:28 15 Q. Is that possible?</p> <p>10:16:29 16 MR. ROBERTSON: Objection to form.</p> <p>10:16:30 17 THE WITNESS: That does not appear to be</p> <p>10:16:32 18 what happened in this claim. Are you asking if it</p> <p>10:16:34 19 is possible in the universe? I guess, yes, it</p> <p>10:16:36 20 could potentially be.</p> <p>10:16:38 21 BY MR. GIVENS:</p> <p>10:16:38 22 Q. I'm not being flippant. I'm saying in</p> <p>10:16:40 23 realistic terms is that possible that those things</p> <p>10:16:42 24 could happen?</p> <p>10:16:45 25 MR. ROBERTSON: Objection to form.</p>  |

**Mark Costello****12/13/2019****13 (46 - 49)**

|   |  |
|---|--|
| <p>Page 46</p> <p>10:16:45 1 THE WITNESS: It doesn't appear that's</p> <p>10:16:47 2 happened in this claim, but it could be possible,</p> <p>10:16:49 3 yes.</p> <p>10:16:50 4 BY MR. GIVENS:</p> <p>10:16:50 5 <b>Q. And is it your memory that that's what</b></p> <p>10:16:51 6 <b>this contractor, who had done the work on the</b></p> <p>10:16:54 7 <b>previous part of the roof, was arguing to CSAA had</b></p> <p>10:16:58 8 <b>happened?</b></p> <p>10:16:59 9 A. To my memory, I just saw that this week.</p> <p>10:17:03 10 From what I could tell, it looked like he was</p> <p>10:17:05 11 trying to combine to get the roof covered for</p> <p>10:17:07 12 his -- for his customer.</p> <p>10:17:11 13 <b>Q. Well, AAA -- or, excuse me, CSAA got</b></p> <p>10:17:16 14 <b>premiums for the '17 policy year and premiums for</b></p> <p>10:17:19 15 <b>the '18 policy year --</b></p> <p>10:17:21 16 A. Correct.</p> <p>10:17:22 17 <b>Q. -- correct? So you're saying that from</b></p> <p>10:17:23 18 <b>the pictures that were taken in '17 in April to</b></p> <p>10:17:27 19 <b>when the pictures were taken in February of '18,</b></p> <p>10:17:31 20 <b>this part of the roof suddenly became obsolete for</b></p> <p>10:17:38 21 <b>wear and tear in eight months' time?</b></p> <p>10:17:43 22 A. At the time I reviewed this file I did</p> <p>10:17:45 23 not review the 2017 claim. There was no considered</p> <p>10:17:49 24 overlapping damages that I was notified of looking</p> <p>10:17:50 25 at. I looked specifically at this claim and made</p> | <p>Page 48</p> <p>10:18:50 1 <b>Q. Has CSAA ever had its own adjusters in</b></p> <p>10:18:53 2 <b>Oklahoma go out and inspect roofs over the past few</b></p> <p>10:18:56 3 <b>years?</b></p> <p>10:18:56 4 A. Yes.</p> <p>10:18:56 5 <b>Q. Who does that?</b></p> <p>10:18:57 6 A. I believe there are two in Oklahoma City</p> <p>10:18:59 7 and three in Tulsa.</p> <p>10:19:00 8 <b>Q. And that's it for the state?</b></p> <p>10:19:01 9 A. That is it for the state, yes.</p> <p>10:19:03 10 <b>Q. Primarily they use independent adjusters</b></p> <p>10:19:06 11 <b>like Michael White?</b></p> <p>10:19:08 12 A. I wouldn't say primarily, no. Our goal</p> <p>10:19:10 13 is actually to probably have less than 40 percent</p> <p>10:19:13 14 go to the independent adjusting firms.</p> <p>10:19:14 15 <b>Q. Are you confident in that number --</b></p> <p>10:19:16 16 A. That's our --</p> <p>10:19:16 17 <b>Q. -- for 2018?</b></p> <p>10:19:16 18 A. That's our goal. I don't know the</p> <p>10:19:18 19 number. I don't manage the Oklahoma office.</p> <p>10:19:21 20 <b>Q. So where do you get that number from?</b></p> <p>10:19:23 21 A. Normally we have reporting that would</p> <p>10:19:25 22 tell us you had X amount of claims. X went to the</p> <p>10:19:27 23 field, Y went to independent adjusters, and you'd</p> <p>10:19:30 24 formulate a percentage.</p> <p>10:19:31 25 <b>Q. And you're just saying that's in your</b></p>  |
| <p>Page 47</p> <p>10:17:53 1 my determinations based on everything that was</p> <p>10:17:57 2 presented as the evidence and that we've discussed</p> <p>10:18:02 3 earlier.</p> <p>10:18:02 4 <b>Q. In 2017, from what you've looked at,</b></p> <p>10:18:05 5 <b>isn't it true that photographs were taken of all</b></p> <p>10:18:07 6 <b>these flat roofs?</b></p> <p>10:18:08 7 A. Yes.</p> <p>10:18:09 8 <b>Q. And the only one they identified as a</b></p> <p>10:18:11 9 <b>problem was one that actually got replaced?</b></p> <p>10:18:15 10 A. Correct.</p> <p>10:18:15 11 <b>Q. By Ultimate Roofing?</b></p> <p>10:18:17 12 A. Correct.</p> <p>10:18:23 13 <b>Q. Is it correct that at CSAA if an</b></p> <p>10:18:25 14 <b>inspector, whether he be an independent adjuster or</b></p> <p>10:18:27 15 <b>a CSAA adjuster, sees a roof that's old and worn</b></p> <p>10:18:31 16 <b>out, they're supposed to report that?</b></p> <p>10:18:34 17 MR. ROBERTSON: Objection to form.</p> <p>10:18:35 18 THE WITNESS: I would need clarification.</p> <p>10:18:37 19 Can you rephrase that?</p> <p>10:18:40 20 BY MR. GIVENS:</p> <p>10:18:40 21 <b>Q. Let me try and backtrack a second. Does</b></p> <p>10:18:44 22 <b>Sayde Brooks go out and inspect roofs?</b></p> <p>10:18:47 23 A. No.</p> <p>10:18:48 24 <b>Q. Do you go out and inspect roofs?</b></p> <p>10:18:49 25 A. Not for CSAA, no.</p>  | <p>Page 49</p> <p>10:19:33 1 <b>region?</b></p> <p>10:19:33 2 A. That's -- no, that's our overall company</p> <p>10:19:35 3 goal would be 60 percent go to our adjusters.</p> <p>10:19:38 4 <b>Q. Well, do you know if that's the number</b></p> <p>10:19:40 5 <b>for Oklahoma?</b></p> <p>10:19:41 6 A. That's our overall goal for our company.</p> <p>10:19:43 7 I don't know Oklahoma's numbers. I don't manage</p> <p>10:19:47 8 that office.</p> <p>10:19:48 9 <b>Q. So you can't testify from personal</b></p> <p>10:19:50 10 <b>knowledge what the number is for Oklahoma at all,</b></p> <p>10:19:52 11 <b>can you?</b></p> <p>10:19:53 12 A. I can testify that the goal for the</p> <p>10:19:54 13 company nationwide would be 60 percent.</p> <p>10:19:57 14 <b>Q. My question is the actual number. How</b></p> <p>10:19:59 15 <b>many are done by independents versus in-house?</b></p> <p>10:20:03 16 A. I don't know that number.</p> <p>10:20:04 17 <b>Q. Okay. So do you know CSAA's requirement</b></p> <p>10:20:12 18 <b>or practice on what independent adjusters or their</b></p> <p>10:20:17 19 <b>own adjusters are supposed to report when they</b></p> <p>10:20:23 20 <b>inspect a roof and they -- it's in poor condition?</b></p> <p>10:20:26 21 A. They would photograph it. They would</p> <p>10:20:28 22 note any storm-related damages, and they would also</p> <p>10:20:32 23 note nonstorm-related damages such as preexisting</p> <p>10:20:36 24 repairs, things like that.</p> <p>10:20:38 25 <b>Q. Okay. What I'm trying to narrow my</b></p> |

**Professional Reporters****800.376.1006****www.prreporters.com**

|  |  |
|--|--|
| <p>Page 50</p> <p>10:20:39 1 question to is are you aware at CSAA that they have</p> <p>10:20:42 2 a requirement that if a roof is old and worn out</p> <p>10:20:47 3 you have to report that to underwriting?</p> <p>10:20:50 4 A. There -- there's not a hard and fast rule</p> <p>10:20:52 5 that says, "Older than this, this." It's a</p> <p>10:20:55 6 decision made that if this was a potential</p> <p>10:20:58 7 underwriting risk, that, yes, you would want to</p> <p>10:21:01 8 notify underwriting of it.</p> <p>10:21:02 9 Q. Okay. And from all the claim files</p> <p>10:21:05 10 you've been shown and that you've worked on that</p> <p>10:21:07 11 relate to the Godfreys, did anybody ever tell</p> <p>10:21:11 12 underwriting that the Godfreys' roof was worn out?</p> <p>10:21:13 13 A. I--</p> <p>10:21:14 14 MR. ROBERTSON: Objection to form. Go</p> <p>10:21:15 15 ahead.</p> <p>10:21:15 16 THE WITNESS: I didn't review the files</p> <p>10:21:16 17 enough to know. I didn't -- that wasn't my role in</p> <p>10:21:18 18 these claims --</p> <p>10:21:19 19 BY MR. GIVENS:</p> <p>10:21:19 20 Q. Okay.</p> <p>10:21:19 21 A. -- or this claim.</p> <p>10:21:21 22 Q. Any documents you've reviewed, did you</p> <p>10:21:22 23 see anybody reporting to underwriting that the</p> <p>10:21:25 24 Godfreys' roof had problems other than the</p> <p>10:21:26 25 storm-related damage that was at issue?</p>   | <p>Page 52</p> <p>10:22:34 1 expectancy versus real, I --</p> <p>10:22:35 2 Q. In Oklahoma.</p> <p>10:22:36 3 A. I don't know it off the top of my head,</p> <p>10:22:37 4 no.</p> <p>10:22:38 5 Q. Well, there's testimony that that roof</p> <p>10:22:40 6 was put on seven -- six to seven years before this</p> <p>10:22:44 7 loss. Are you aware of that?</p> <p>10:22:47 8 A. I have no reason -- I mean, nobody's</p> <p>10:22:50 9 testified -- or I haven't really -- I saw what the</p> <p>10:22:52 10 adjuster put in the -- as the depreciation. That</p> <p>10:22:56 11 would have been based on statements from the</p> <p>10:22:58 12 insured and the roofer.</p> <p>10:22:59 13 Q. Do you think a roof like this can get old</p> <p>10:23:02 14 and worn out to where it's not covered for leaks in</p> <p>10:23:06 15 six or seven years?</p> <p>10:23:07 16 A. There's potential, yes. There's --</p> <p>10:23:09 17 Q. Are you saying that happened with this</p> <p>10:23:12 18 roof?</p> <p>10:23:12 19 A. That's what it appears to have, yes.</p> <p>10:23:14 20 Q. So if in April or May of 2017 one or more</p> <p>10:23:21 21 adjusters look at that roof that's involved in this</p> <p>10:23:23 22 latest claim, and it was old and worn out, that</p> <p>10:23:31 23 should have been reported since the result is it's</p> <p>10:23:35 24 not covered if it's leaked -- if it leaks?</p> <p>10:23:39 25 A. Well, the leak was covered.</p> |
| <p>Page 51</p> <p>10:21:28 1 A. Not that I reviewed, no.</p> <p>10:21:30 2 Q. And it's true that either through</p> <p>10:21:32 3 independent adjusters or CSAA's own adjusters, the</p> <p>10:21:37 4 Godfreys' roof has been looked at several times</p> <p>10:21:39 5 over the last several years?</p> <p>10:21:41 6 A. Based on what I reviewed, yes.</p> <p>10:21:45 7 Q. Okay. So if this part of their roof was</p> <p>10:21:48 8 old and worn out, that should have been reported as</p> <p>10:21:52 9 part of some of those claims or one of those</p> <p>10:21:54 10 claims; correct?</p> <p>10:21:57 11 MR. ROBERTSON: Objection to form.</p> <p>10:21:58 12 THE WITNESS: I mean, it was noted it was</p> <p>10:22:00 13 a flat roof. It was noted that it was -- there was</p> <p>10:22:04 14 deterioration present, but I don't believe, from</p> <p>10:22:06 15 what I reviewed this week, that they felt there was</p> <p>10:22:09 16 a risk to that roof at that time any more than any</p> <p>10:22:11 17 other flat roof. Underwriting was aware that there</p> <p>10:22:14 18 was flat roofs in Oklahoma. Those deteriorate.</p> <p>10:22:18 19 There's a lot of extreme weather conditions.</p> <p>10:22:22 20 They're just probably, honestly, not the best</p> <p>10:22:24 21 material for that climate.</p> <p>10:22:26 22 BY MR. GIVENS:</p> <p>10:22:26 23 Q. Do you know what the life expectancy of</p> <p>10:22:28 24 that type of roof is supposed to be?</p> <p>10:22:31 25 A. Off the top of my head, the actual life</p> | <p>Page 53</p> <p>10:23:40 1 Q. But the roof's not; correct?</p> <p>10:23:43 2 A. From wear and tear, no, it is not. It is</p> <p>10:23:45 3 not covered, correct.</p> <p>10:23:46 4 Q. So every year the Godfreys are paying</p> <p>10:23:49 5 replacement cost premiums for that roof, and CSAA's</p> <p>10:23:52 6 not going to pay for that roof --</p> <p>10:23:54 7 MR. ROBERTSON: Objection to form.</p> <p>10:23:55 8 BY MR. GIVENS:</p> <p>10:23:55 9 Q. -- correct?</p> <p>10:23:56 10 A. CSAA would have paid for the roof had it</p> <p>10:23:58 11 been damaged by a covered peril.</p> <p>10:24:02 12 Q. Like snow and ice?</p> <p>10:24:04 13 MR. ROBERTSON: Objection to form.</p> <p>10:24:04 14 THE WITNESS: If the damage came from</p> <p>10:24:05 15 that, yes.</p> <p>10:24:22 16 BY MR. GIVENS:</p> <p>10:24:22 17 Q. Have you ever reported a roof to</p> <p>10:24:24 18 underwriting that was increasing the risk on a</p> <p>10:24:28 19 property?</p> <p>10:24:28 20 A. Have I personally, yes.</p> <p>10:24:30 21 Q. Okay. And what circumstances led you to</p> <p>10:24:31 22 do that?</p> <p>10:24:32 23 A. Just the overall state of disrepair of</p> <p>10:24:35 24 the entire roof.</p> <p>10:24:36 25 Q. Can you explain it with more specificity,</p>  |

|  |   |
|--|---|
| <p>10:24:39 1 please?</p> <p>10:24:40 2 A. Large areas of missing or improperly</p> <p>10:24:44 3 installed shingles, completely missing areas, the</p> <p>10:24:48 4 age of the material, the lack of presence of</p> <p>10:24:53 5 granules on it, anything that could potentially</p> <p>10:24:57 6 cause an increased risk to the -- to the interior</p> <p>10:25:03 7 of the home.</p> <p>10:25:04 8 Q. So can we agree that if nobody reported</p> <p>10:25:07 9 this flat roof as being problematic in 2017, that</p> <p>10:25:15 10 it still should have been watertight?</p> <p>10:25:17 11 MR. ROBERTSON: Objection to form.</p> <p>10:25:18 12 THE WITNESS: No, sir.</p> <p>10:25:19 13 BY MR. GIVENS:</p> <p>10:25:19 14 Q. Why not?</p> <p>10:25:19 15 A. I mean, when you look at the overall</p> <p>10:25:21 16 condition of the Godfreys' roof, the overall</p> <p>10:25:24 17 condition of most of the roof, it is a large home,</p> <p>10:25:27 18 is in good repair. Nobody's disputing the asphalt</p> <p>10:25:32 19 shingles. A part -- a portion of flat roof had</p> <p>10:25:34 20 been replaced.</p> <p>10:25:42 21 Q. But the flat roofs make up a considerable</p> <p>10:25:45 22 amount of their roof area; right?</p> <p>10:25:46 23 A. I'd have to go back and look. They have</p> <p>10:25:46 24 a considerable amount covered by asphalt shingles</p> <p>10:25:48 25 as well.</p> | <p>Page 54</p> <p>10:26:48 1 Q. And I'll be happy to rephrase them or</p> <p>10:26:50 2 repeat them for you, okay?</p> <p>10:26:53 3 A. Okay.</p> <p>10:26:53 4 Q. Have you understood everything so far?</p> <p>10:26:55 5 A. I believe so, yes.</p> <p>10:27:00 6 Q. Have you ever testified at any trials?</p> <p>10:27:03 7 A. No, sir.</p> <p>10:27:06 8 Q. Do you have any other depositions</p> <p>10:27:07 9 currently scheduled?</p> <p>10:27:08 10 A. No, sir.</p> <p>10:27:11 11 Q. So you were in the Oklahoma City AAA</p> <p>10:27:14 12 office from May of '17 'til January of '19?</p> <p>10:27:18 13 A. Correct, sir.</p> <p>10:27:23 14 Q. I think earlier I asked you if AAA ever</p> <p>10:27:26 15 gave you any training on how to diagnose snow and</p> <p>10:27:31 16 ice damage on a roof. I want to make sure I cover</p> <p>10:27:34 17 all the bases.</p> <p>10:27:35 18 Did AAA ever give you any specific</p> <p>10:27:37 19 training on how to diagnose other types of damages</p> <p>10:27:40 20 to roof?</p> <p>10:27:40 21 A. Me personally?</p> <p>10:27:42 22 Q. Yes, sir.</p> <p>10:27:42 23 A. No, sir. I mean, we did have reviews</p> <p>10:27:45 24 through time and team meetings and things like</p> <p>10:27:48 25 that, damage identification, but again, I came in</p>   |
| <p>10:25:48 1 Q. But -- and flat roofs; correct?</p> <p>10:25:50 2 A. There are some flat roofs, yes. There</p> <p>10:25:52 3 are multiple areas of flat roofs.</p> <p>10:25:57 4 Q. So is it your testimony that the adjuster</p> <p>10:25:59 5 or adjusters who handled the 2017 claim should not</p> <p>10:26:04 6 have reported a roof that appeared old and worn</p> <p>10:26:06 7 out?</p> <p>10:26:08 8 MR. ROBERTSON: Objection to form.</p> <p>10:26:10 9 THE WITNESS: In just reviewing the file</p> <p>10:26:12 10 this week, I -- I honestly don't know if they</p> <p>10:26:15 11 should have or shouldn't have.</p> <p>10:26:18 12 BY MR. GIVENS:</p> <p>10:26:18 13 Q. We kind of skipped over the normal</p> <p>10:26:22 14 preliminaries in a deposition. You've been deposed</p> <p>10:26:25 15 before. You know how it goes, but I want to remind</p> <p>10:26:29 16 you that you took an oath to tell the truth, and if</p> <p>10:26:32 17 you don't tell the truth, then that can be a</p> <p>10:26:36 18 problem. You're aware of that?</p> <p>10:26:38 19 A. Yes, sir.</p> <p>10:26:38 20 Q. Okay. And if you need to take any</p> <p>10:26:40 21 breaks, will you let us know?</p> <p>10:26:43 22 A. Sure.</p> <p>10:26:43 23 Q. And if you don't understand any of my</p> <p>10:26:45 24 questions, will you please let me know?</p> <p>10:26:47 25 A. Yes, sir.</p>                      | <p>Page 55</p> <p>10:27:51 1 trained. There is a training program that I</p> <p>10:27:55 2 didn't -- that I didn't qualify for as I already</p> <p>10:27:59 3 knew the information.</p> <p>10:28:01 4 Q. And since you didn't go through it, you</p> <p>10:28:03 5 can't say what it involved?</p> <p>10:28:05 6 A. I mean, I can as a manager speak at a</p> <p>10:28:07 7 high level. It does involve damage identification.</p> <p>10:28:09 8 It does involve material identification. It does</p> <p>10:28:14 9 involve writing and reviewing estimates.</p> <p>10:28:16 10 Q. And are people that go through that</p> <p>10:28:19 11 training given some type of materials?</p> <p>10:28:21 12 A. It's hands-on training. It's actually</p> <p>10:28:23 13 done here in our Las Vegas office. We bring</p> <p>10:28:25 14 everyone here. We have a mock-up house built,</p> <p>10:28:25 15 including roofs, that they're given scenarios and</p> <p>10:28:30 16 walk through with an instructor.</p> <p>10:28:32 17 Q. So no written materials of any kind?</p> <p>10:28:34 18 A. There's not a manual, per se. Again,</p> <p>10:28:36 19 there's probably handouts that say, "Hey, there was</p> <p>10:28:40 20 a fire in this room. Please write the estimate,"</p> <p>10:28:42 21 and then they go over it together as a team.</p> <p>10:28:45 22 Q. What I'm asking about is is there any</p> <p>10:28:47 23 written materials, and I'm not limiting it to</p> <p>10:28:50 24 manuals, and it could be online, I'm including that</p> <p>10:28:53 25 in written --</p> |



**Mark Costello****12/13/2019****16 (58 - 61)**

|  |   |
|--|---|
| <p>10:28:55 1 A. Um-hmm.</p> <p>10:28:55 2 <b>Q. -- that talk about the factors that you</b></p> <p>10:28:57 3 <b>look at when you're evaluating what caused roof</b></p> <p>10:29:00 4 <b>damage.</b></p> <p>10:29:00 5 A. I would say produced by CSAA, not that</p> <p>10:29:04 6 I'm aware of.</p> <p>10:29:04 7 <b>Q. Do they hand out things published by</b></p> <p>10:29:06 8 <b>other people?</b></p> <p>10:29:09 9 A. Not -- not on damage identification.</p> <p>10:29:11 10 There are classes that are taken through PLRB.</p> <p>10:29:16 11 There are vendors that offer multiple courses,</p> <p>10:29:20 12 Donan Engineering offers lots of courses that we</p> <p>10:29:24 13 encourage people to take. I still take them to</p> <p>10:29:26 14 this day for continuing education.</p> <p>10:29:31 15 <b>Q. How do you spell Donan?</b></p> <p>10:29:33 16 A. D-o-n-a-n.</p> <p>10:29:36 17 <b>Q. Do they give out written materials?</b></p> <p>10:29:40 18 A. Possibly. I don't know. I have never</p> <p>10:29:42 19 received any written materials from them.</p> <p>10:29:44 20 <b>Q. What's the training like?</b></p> <p>10:29:46 21 A. It's usually a webinar with an industry</p> <p>10:29:48 22 expert.</p> <p>10:29:49 23 <b>Q. And there's not written materials that go</b></p> <p>10:29:52 24 <b>along with it?</b></p> <p>10:29:53 25 A. You could probably request a copy of the</p>   | <p>Page 58</p> <p>10:31:03 1 <b>familiar with those?</b></p> <p>10:31:04 2 A. I am.</p> <p>10:31:05 3 <b>Q. And that's what I'm trying to get at. Is</b></p> <p>10:31:07 4 <b>there anything comparable to that that you've ever</b></p> <p>10:31:10 5 <b>seen at AAA online or in a written form that deals</b></p> <p>10:31:13 6 <b>with how to decide what caused roof damage?</b></p> <p>10:31:18 7 MR. ROBERTSON: What's the Bates on that?</p> <p>10:31:22 8 MR. GIVENS: The first page is 1680.</p> <p>10:31:30 9 MR. ROBERTSON: Okay. We don't have that</p> <p>10:31:32 10 here.</p> <p>10:31:32 11 MR. GIVENS: I'm asking him. He said</p> <p>10:31:33 12 he's familiar with them.</p> <p>10:31:34 13 THE WITNESS: Yeah.</p> <p>10:31:36 14 BY MR. GIVENS:</p> <p>10:31:36 15 <b>Q. If you want to look at them, they're</b></p> <p>10:31:38 16 <b>right here (indicating).</b></p> <p>10:31:39 17 A. No, I'm familiar with the estimating</p> <p>10:31:40 18 guidelines. Those are specific to things like</p> <p>10:31:42 19 masking versus linear foot to square foot, when</p> <p>10:31:44 20 that would apply, where depreciation applied and</p> <p>10:31:48 21 not applied, reasonable uniform appearance versus</p> <p>10:31:52 22 matching. Those are not damage identification. We</p> <p>10:31:56 23 follow the industry standard definitions for</p> <p>10:32:00 24 investigation.</p> <p>10:32:03 25 <b>Q. And what is that?</b></p>   |
| <p>10:29:55 1 presentation at the end of it if you'd like.</p> <p>10:29:59 2 <b>Q. Is it a PowerPoint?</b></p> <p>10:29:59 3 A. Sometimes they have PowerPoint.</p> <p>10:30:06 4 Sometimes it's photos they discuss usually with an</p> <p>10:30:06 5 engineer, an industry expert.</p> <p>10:30:06 6 <b>Q. But nothing like that at AAA?</b></p> <p>10:30:08 7 A. Not produced by AAA that I'm aware of,</p> <p>10:30:11 8 no.</p> <p>10:30:11 9 <b>Q. Who goes through the training that you</b></p> <p>10:30:13 10 <b>mentioned in Las Vegas? Is that new adjusters to</b></p> <p>10:30:15 11 <b>the company?</b></p> <p>10:30:16 12 A. It is. So training is -- the training</p> <p>10:30:18 13 has evolved over time. It was something that you</p> <p>10:30:22 14 used to go from location to location. Now it's</p> <p>10:30:24 15 housed in Okla- -- or in Las Vegas, and we bring</p> <p>10:30:28 16 everyone in preferably within their first year. We</p> <p>10:30:31 17 give them the support. They're not expected to</p> <p>10:30:34 18 adjust a lot of these things by themselves. They</p> <p>10:30:36 19 have a lot of support from other adjusters and</p> <p>10:30:39 20 supervisors.</p> <p>10:30:41 21 <b>Q. Do you know what that's called, that</b></p> <p>10:30:43 22 <b>training course?</b></p> <p>10:30:44 23 A. It's called Inside Essentials Training.</p> <p>10:30:51 24 <b>Q. I also received on Wednesday some</b></p> <p>10:31:01 25 <b>Structural Property Estimating Guidelines. Are you</b></p> | <p>Page 59</p> <p>10:32:05 1 A. I mean, I guess it would depend. You</p> <p>10:32:06 2 look for specific things to support or determine</p> <p>10:32:12 3 the cause of loss.</p> <p>10:32:14 4 <b>Q. And where do you get this industry</b></p> <p>10:32:16 5 <b>standard for investigation from?</b></p> <p>10:32:18 6 A. Well, like the definition of hail damage</p> <p>10:32:20 7 is -- is standard amongst roofers and insurance</p> <p>10:32:26 8 companies. Again, more specifically, we don't have</p> <p>10:32:31 9 a document that says, "This is hail damage. This</p> <p>10:32:33 10 is not."</p> <p>10:32:35 11 <b>Q. Okay.</b></p> <p>10:32:35 12 A. We would through time and on-the-job</p> <p>10:32:37 13 training and experience learn what to look for and</p> <p>10:32:40 14 what you're trying to figure out and determine.</p> <p>10:32:45 15 <b>Q. And I know that there's not causation in</b></p> <p>10:32:47 16 <b>these guidelines. My question was is there</b></p> <p>10:32:49 17 <b>anything comparable to what I've just received as</b></p> <p>10:32:53 18 <b>Structural Property Estimating Guidelines that do</b></p> <p>10:32:56 19 <b>deal with causation?</b></p> <p>10:32:58 20 A. Not to my knowledge, no.</p> <p>10:32:59 21 <b>Q. And that's online, written form,</b></p> <p>10:33:01 22 <b>anything?</b></p> <p>10:33:02 23 A. I mean, not produced by CSAA. I'm sure</p> <p>10:33:06 24 you could find some online that would --</p> <p>10:33:08 25 <b>Q. No. Just talking about at CSAA.</b></p> |

**Professional Reporters****800.376.1006****www.prreporters.com**

|  |   |
|--|---|
| <p>10:33:11 1 A. Not to my knowledge, no.</p> <p>10:33:11 2 <b>Q. And you're not given anything from other</b></p> <p>10:33:13 3 <b>companies as a training or a claim handling</b></p> <p>10:33:16 4 <b>guideline?</b></p> <p>10:33:16 5 A. Not to my knowledge, no.</p> <p>10:33:17 6 <b>Q. Okay. And the Structural Property</b></p> <p>10:33:20 7 <b>Estimating Guidelines, that's where I got the</b></p> <p>10:33:23 8 <b>requirement that I mentioned earlier that you are</b></p> <p>10:33:26 9 <b>obligated to report to underwriting if something is</b></p> <p>10:33:30 10 <b>going on with a roof or the rest of the property</b></p> <p>10:33:32 11 <b>that --</b></p> <p>10:33:33 12 A. Correct.</p> <p>10:33:35 13 <b>Q. -- creates an increased risk; right?</b></p> <p>10:33:38 14 A. Correct.</p> <p>10:33:38 15 <b>Q. And one of those things would be an old</b></p> <p>10:33:40 16 <b>worn-out roof; correct?</b></p> <p>10:33:42 17 MR. ROBERTSON: Objection to form.</p> <p>10:33:43 18 THE WITNESS: Potentially, yes.</p> <p>10:33:46 19 BY MR. GIVENS:</p> <p>10:33:46 20 <b>Q. I mean, are you saying that if you see an</b></p> <p>10:33:48 21 <b>old worn-out roof you're just supposed to not to</b></p> <p>10:33:52 22 <b>say anything?</b></p> <p>10:33:53 23 MR. ROBERTSON: Objection to form.</p> <p>10:33:54 24 THE WITNESS: No. What I'm saying is you</p> <p>10:33:55 25 would review each roof on its own merits to</p>   | <p>Page 62</p> <p>10:35:00 1 A. So had I saw that roof with the waves and</p> <p>10:35:03 2 ridges and the edges torn back in 2017 would I have</p> <p>10:35:08 3 turned that in to underwriting? Potentially, yes.</p> <p>10:35:08 4 I would --</p> <p>10:35:08 5 <b>Q. How is it -- how is it potentially?</b></p> <p>10:35:10 6 <b>Because can you tell from those photos that water</b></p> <p>10:35:12 7 <b>is definitely going to be getting in there?</b></p> <p>10:35:14 8 A. If the photos looked like they did in</p> <p>10:35:16 9 2018, then, yes.</p> <p>10:35:17 10 <b>Q. That's all I'm trying to ask. You would</b></p> <p>10:35:20 11 <b>have reported that under this requirement that</b></p> <p>10:35:21 12 <b>underwriting should be notified?</b></p> <p>10:35:23 13 A. I would have at least considered it given</p> <p>10:35:25 14 the overall condition of the roof. I might have</p> <p>10:35:28 15 just noted it. I might have discussed it with the</p> <p>10:35:32 16 insured. I mean, it's -- again, there's quite a</p> <p>10:35:36 17 few factors that go into it. And it could</p> <p>10:35:40 18 potentially be, you know, harmful to the insured to</p> <p>10:35:44 19 report that. So if I had a discussion with the</p> <p>10:35:46 20 insured, and we talked about it, then I might</p> <p>10:35:48 21 potentially not, depending if they were planning on</p> <p>10:35:53 22 repairing it.</p> <p>10:35:53 23 <b>Q. Well, if that's not automatically</b></p> <p>10:35:56 24 <b>reportable, what is your understanding of when this</b></p> <p>10:35:59 25 <b>requirement applies?</b></p> |
| <p>Page 63</p> <p>10:33:58 1 determine whether an underwriting report would be</p> <p>10:34:00 2 necessary.</p> <p>10:34:00 3 BY MR. GIVENS:</p> <p>10:34:00 4 <b>Q. The roof that you saw in the pictures of</b></p> <p>10:34:01 5 <b>the Godfrey house when you worked on their claim,</b></p> <p>10:34:04 6 <b>if you had seen it like that in 2017, is that a</b></p> <p>10:34:07 7 <b>good example of what you would have reported to</b></p> <p>10:34:09 8 <b>underwriting?</b></p> <p>10:34:11 9 A. I can't say what I would have done in</p> <p>10:34:13 10 2017 had I reviewed it, again, just because I just</p> <p>10:34:16 11 saw it this week. I don't know. I didn't -- I</p> <p>10:34:19 12 didn't review it as a reviewer. I reviewed it as</p> <p>10:34:22 13 taking an overview of the claim in preparation.</p> <p>10:34:25 14 <b>Q. What I'm asking you is when you worked on</b></p> <p>10:34:28 15 <b>the 2018 claim, those pictures that you relied on</b></p> <p>10:34:30 16 <b>to basically deny their roof damage, I'm asking you</b></p> <p>10:34:34 17 <b>if you saw that, would you have reported that to</b></p> <p>10:34:38 18 <b>underwriting if that's how it looked in 2017?</b></p> <p>10:34:42 19 MR. ROBERTSON: Objection, form.</p> <p>10:34:49 20 THE WITNESS: I'm trying to think of --</p> <p>10:34:51 21 so underwriting would be notified in the 2018 claim</p> <p>10:34:54 22 that we denied damage based on wear and tear. That</p> <p>10:34:58 23 would be part of the claim.</p> <p>10:34:59 24 BY MR. GIVENS:</p> <p>10:34:59 25 <b>Q. That's not what I'm asking.</b></p> | <p>Page 64</p> <p>10:36:00 1 A. Well, it's based on review of the file.</p> <p>10:36:03 2 There's not a guideline that says, "Do it here. Do</p> <p>10:36:05 3 it there." It's an -- it's -- an overview of the</p> <p>10:36:07 4 file would tell you is there a potential risk that</p> <p>10:36:08 5 needs to be notified of underwriting. If you're</p> <p>10:36:13 6 asking me personally based on the 2018 photos</p> <p>10:36:15 7 would've I -- if I had reviewed those and -- as not</p> <p>10:36:18 8 part of the claim, and they said, "This is not</p> <p>10:36:20 9 claim-related damage," would I have reported that</p> <p>10:36:22 10 in 2018, yes.</p> <p>10:36:27 11 <b>Q. Let me find the guideline that goes with</b></p> <p>10:36:32 12 <b>our time period. And I guess I should ask you, are</b></p> <p>10:36:42 13 <b>you familiar with these guidelines?</b></p> <p>10:36:45 14 A. Familiar with, yes.</p> <p>10:36:46 15 <b>Q. Structural Property Estimating</b></p> <p>10:36:47 16 <b>Guidelines?</b></p> <p>10:36:47 17 A. They're not used every day, but yes.</p> <p>10:36:49 18 <b>Q. Are adjusters handling these claims like</b></p> <p>10:36:53 19 <b>the Godfreys' supposed to know these guidelines?</b></p> <p>10:36:57 20 A. Generally speaking those are more for the</p> <p>10:36:58 21 field and for -- given to our independent adjusting</p> <p>10:37:02 22 firms, because, again, they're talking about</p> <p>10:37:04 23 specific items in writing that estimate. Our</p> <p>10:37:07 24 inside adjusters do not generally write an entire</p> <p>10:37:10 25 estimate.</p>          |

|   |   |
|---|---|
| <p>Page 66</p> <p>10:37:11 1 Q. But for our purposes Sayde Brooks and</p> <p>10:37:14 2 Mike White, the independent who handled this claim,</p> <p>10:37:16 3 they should have followed these guidelines;</p> <p>10:37:19 4 correct?</p> <p>10:37:19 5 A. I can't answer what they did and didn't</p> <p>10:37:21 6 do as far as reporting.</p> <p>10:37:22 7 Q. I'm asking you are they required, to your</p> <p>10:37:24 8 knowledge, to follow these guidelines, especially</p> <p>10:37:27 9 Michael White who's on the roof?</p> <p>10:37:29 10 A. Mike White would have been required to</p> <p>10:37:30 11 follow those guidelines. Those would have been</p> <p>10:37:33 12 provided to the independent adjusting firm.</p> <p>10:37:35 13 Q. And the same would be for the people who</p> <p>10:37:36 14 saw the roof in 2017?</p> <p>10:37:39 15 A. I would have to say yes.</p> <p>10:37:42 16 Q. There is a revised version of the</p> <p>10:37:43 17 guidelines with a revision date of July 12, 2017</p> <p>10:37:48 18 that starts at page Godfrey -- strike that.</p> <p>10:37:54 19 The revision to the estimating guidelines</p> <p>10:37:56 20 dated July 12, 2017, which is labeled CSAA Godfrey</p> <p>10:38:01 21 1782 --</p> <p>10:38:05 22 MR. ROBERTSON: Did you bring him a copy</p> <p>10:38:06 23 to look at?</p> <p>10:38:16 24 BY MR. GIVENS:</p> <p>10:38:16 25 Q. There you go. (Hands document.)</p> | <p>Page 68</p> <p>10:39:54 1 A. I believe that's what you're talking</p> <p>10:39:55 2 about, yes.</p> <p>10:39:56 3 Q. Okay. Same guidelines back on page 1785,</p> <p>10:40:10 4 and this is talking about causation of a loss;</p> <p>10:40:17 5 correct?</p> <p>10:40:18 6 A. Correct.</p> <p>10:40:22 7 Q. It says, "A clear and concise cause</p> <p>10:40:22 8 statement must be based in an objective and</p> <p>10:40:25 9 professional opinion as to how the loss came to</p> <p>10:40:28 10 occur"; right?</p> <p>10:40:29 11 A. Correct.</p> <p>10:40:29 12 Q. "It is critical that estimators describe</p> <p>10:40:32 13 what failed and how. If an estimator cannot</p> <p>10:40:35 14 definitively determine the failure, they may state</p> <p>10:40:37 15 the difficulty clearly and then provide the most</p> <p>10:40:40 16 reasonable explanation for the damage or, at their</p> <p>10:40:43 17 discretion, involve a contractor or other expert</p> <p>10:40:45 18 for assistance with determining the cause";</p> <p>10:40:49 19 correct?</p> <p>10:40:49 20 A. Correct.</p> <p>10:40:49 21 Q. So again Mike -- Michael White was</p> <p>10:40:57 22 required to follow this?</p> <p>10:40:59 23 A. Yes, sir.</p> <p>10:40:59 24 Q. And he did follow it. He put on his</p> <p>10:41:01 25 estimate that this was caused by snow and ice;</p> |
| <p>Page 67</p> <p>10:38:51 1 A. 1782.</p> <p>10:38:51 2 Q. Are you at 1782?</p> <p>10:38:54 3 A. Yes, I am.</p> <p>10:38:55 4 Q. Okay. And you can see that that's the</p> <p>10:38:57 5 revision date, July 12, 2017?</p> <p>10:39:01 6 A. Yes.</p> <p>10:39:02 7 Q. Okay. So would you agree that this would</p> <p>10:39:03 8 be the version that would likely apply to the</p> <p>10:39:07 9 Godfrey claim --</p> <p>10:39:07 10 A. Yes.</p> <p>10:39:07 11 Q. -- which is from February of '18?</p> <p>10:39:09 12 A. Yes, sir.</p> <p>10:39:09 13 Q. If you'll turn to page 1786 -- no, I'm</p> <p>10:39:14 14 sorry. If you'll turn to page 1798, this is the</p> <p>10:39:26 15 roof portion of the guidelines. It says,</p> <p>10:39:28 16 "Photographs on all inspections should include,"</p> <p>10:39:31 17 and then it has various bullet points; right?</p> <p>10:39:36 18 A. Yes, sir.</p> <p>10:39:41 19 Q. The fifth bullet point says, "If during</p> <p>10:39:42 20 the inspection there's any concern with the</p> <p>10:39:44 21 insurability of the risk, photograph the concern</p> <p>10:39:48 22 and all exterior views of the property to support</p> <p>10:39:50 23 an underwriting referral"; correct?</p> <p>10:39:52 24 A. Correct.</p> <p>10:39:53 25 Q. Is that what we're talking about?</p>   | <p>Page 69</p> <p>10:41:04 1 correct?</p> <p>10:41:04 2 A. He did, yes, sir.</p> <p>10:41:05 3 Q. He didn't put on there that he had</p> <p>10:41:07 4 trouble figuring it out or that an expert was</p> <p>10:41:10 5 needed; right?</p> <p>10:41:11 6 A. Not to my knowledge, no.</p> <p>10:41:12 7 Q. And you could have used an expert at any</p> <p>10:41:13 8 time if you thought one was needed; right?</p> <p>10:41:15 9 A. Correct.</p> <p>10:41:15 10 Q. So the only person that looked at this</p> <p>10:41:18 11 roof from AAA was the independent adjuster, and he</p> <p>10:41:26 12 conclusively said on his document that it was</p> <p>10:41:27 13 caused by wind and snow; correct?</p> <p>10:41:29 14 A. That was his opinion, yes.</p> <p>10:41:31 15 Q. Okay. And he --</p> <p>10:41:31 16 MR. ROBERTSON: Objection to form.</p> <p>10:41:32 17 BY MR. GIVENS:</p> <p>10:41:32 18 Q. Is it true that he's the only one that</p> <p>10:41:34 19 went out there from AAA?</p> <p>10:41:36 20 A. To my knowledge, he was the only one that</p> <p>10:41:38 21 was physically out there, yes.</p> <p>10:41:39 22 Q. And to this day, December of 2019, has</p> <p>10:41:42 23 anybody else from AAA gone out there?</p> <p>10:41:44 24 A. Not to my knowledge, no.</p> <p>10:41:45 25 Q. The only other expert, if you will, or</p>                  |

|   |  |
|---|--|
| <p>10:41:48 1 contractor that got on this roof and looked at it,<br/> 10:41:51 2 he also told AAA that it was from ice and snow,<br/> 10:41:56 3 possibly from wind as well; correct?<br/> 10:41:59 4 MR. ROBERTSON: Objection to form.<br/> 10:42:00 5 THE WITNESS: Correct. He was not able<br/> 10:42:00 6 to determine an exact cause. He gave multiple<br/> 10:42:04 7 causes.<br/> 10:42:05 8 BY MR. GIVENS:<br/> 10:42:05 9 Q. To be fair, he gave those causes, right,<br/> 10:42:08 10 snow and ice and possibly wind --<br/> 10:42:11 11 MR. ROBERTSON: Objection to form.<br/> 10:42:12 12 BY MR. GIVENS:<br/> 10:42:12 13 Q. -- correct?<br/> 10:42:13 14 A. Correct. So he gave -- he gave a couple<br/> 10:42:14 15 of causes, yes.<br/> 10:42:16 16 Q. Okay. Were you working in the Oklahoma<br/> 10:42:22 17 City office when you did your work on this claim?<br/> 10:42:24 18 A. Yes, sir, I was.<br/> 10:42:26 19 Q. And so the evidence that you looked at to<br/> 10:42:29 20 make your decision was just looking at your<br/> 10:42:31 21 computer screen, photographs?<br/> 10:42:35 22 A. Looking at photographs, weather reports,<br/> 10:42:38 23 things like that, yes, sir.<br/> 10:42:41 24 Q. And these weather reports you say you<br/> 10:42:43 25 looked at, we'll never know what those are;</p> | <p>Page 70</p> <p>10:43:31 1 lot of factors. You didn't actually have to be<br/> 10:43:34 2 standing there to see it.<br/> 10:43:35 3 Q. Are you saying that ice and snow does not<br/> 10:43:38 4 build up on a flat roof in a way that might be<br/> 10:43:42 5 different than how much ice and snow collects on<br/> 10:43:46 6 somebody's slanted roof a block away?<br/> 10:43:50 7 A. It would gather based on the amount of<br/> 10:43:53 8 precipitation in the area, yeah, and the runoff<br/> 10:43:56 9 from the rest of the house. There are factors to<br/> 10:43:58 10 it, yes.<br/> 10:44:00 11 Q. Right. So if there's one inch of snow in<br/> 10:44:03 12 an area, that doesn't specifically tell you how<br/> 10:44:05 13 much of that turned into ice and snow buildup on a<br/> 10:44:09 14 flat roof at Mr. Godfrey's house; right?<br/> 10:44:13 15 A. I mean, not particularly, no.<br/> 10:44:17 16 Q. And since there were no pictures of how<br/> 10:44:19 17 much ice and snow, to this day we'll never know;<br/> 10:44:22 18 right?<br/> 10:44:23 19 A. There were pictures weeks later that<br/> 10:44:25 20 still had water on the roof showing ponding<br/> 10:44:27 21 which --<br/> 10:44:28 22 Q. Not the ice and snow?<br/> 10:44:29 23 A. Not ice and snow, correct.<br/> 10:44:30 24 Q. Do you dispute that that ice and snow is<br/> 10:44:32 25 what actually leaked in and got inside their house?</p> |
| <p>10:42:47 1 correct?<br/> 10:42:47 2 MR. ROBERTSON: Objection to form.<br/> 10:42:48 3 THE WITNESS: I mean, I could probably<br/> 10:42:50 4 find them on Google if I tried. I'm not sure<br/> 10:42:52 5 exactly which ones I used but --<br/> 10:42:53 6 BY MR. GIVENS:<br/> 10:42:53 7 Q. And that's my point.<br/> 10:42:56 8 A. Okay.<br/> 10:42:56 9 Q. You're not certain of what you used;<br/> 10:42:58 10 correct?<br/> 10:42:58 11 A. Correct.<br/> 10:42:58 12 MR. ROBERTSON: Objection to form.<br/> 10:43:04 13 BY MR. GIVENS:<br/> 10:43:04 14 Q. Do you have any idea how much ice and<br/> 10:43:06 15 snow was on that flat roof?<br/> 10:43:10 16 A. At this time, no.<br/> 10:43:12 17 Q. Back then did you?<br/> 10:43:14 18 A. At the time I made the informed decisions<br/> 10:43:16 19 based on the photographs provided and the data<br/> 10:43:19 20 available with the weather.<br/> 10:43:21 21 Q. Well, neither of those told you how much<br/> 10:43:24 22 ice and snow was actually on that flat roof, did<br/> 10:43:26 23 they?<br/> 10:43:27 24 A. I mean, you can find how much ice and<br/> 10:43:29 25 precipitation was in an area. You can look at a</p>  | <p>Page 71</p> <p>10:44:35 1 A. No, not at all.<br/> 10:44:36 2 Q. And did you say earlier that you don't<br/> 10:44:39 3 dispute either that the ice and snow contributed to<br/> 10:44:42 4 the water going in?<br/> 10:44:44 5 A. I would say --<br/> 10:44:45 6 MR. ROBERTSON: Objection to form. Go<br/> 10:44:46 7 ahead.<br/> 10:44:47 8 THE WITNESS: -- the water came directly<br/> 10:44:49 9 from the ice and snow at the edges.<br/> 10:44:52 10 BY MR. GIVENS:<br/> 10:44:52 11 Q. And the weight of the ice and snow would<br/> 10:44:54 12 have had some impact on how the roof performed;<br/> 10:44:57 13 right?<br/> 10:44:58 14 MR. ROBERTSON: Objection to form.<br/> 10:45:00 15 THE WITNESS: It didn't appear to in this<br/> 10:45:01 16 case.<br/> 10:45:03 17 BY MR. GIVENS:<br/> 10:45:03 18 Q. How do you know that?<br/> 10:45:04 19 A. I mean, based on the levels of waves and<br/> 10:45:06 20 deterioration, the fact that there was still<br/> 10:45:09 21 ponding water showed that drainage for the roof<br/> 10:45:11 22 wasn't great. There were already low spots which<br/> 10:45:14 23 happen over time on flat roofs.<br/> 10:45:17 24 Q. But how do you rule out that that snow<br/> 10:45:18 25 and ice that was building up on there had any --</p>  |
|   | <p>Page 72</p>   |
|   | <p>Page 73</p>   |

|   |  |
|---|--|
| <p>Page 74</p> <p>10:45:21 1 A. Because the snow and --</p> <p>10:45:21 2 <b>Q. -- contribution to it?</b></p> <p>10:45:22 3 A. The snow and ice that entered the home</p> <p>10:45:24 4 was at the edge of the roof, not in the center</p> <p>10:45:26 5 where it would have been pulling back or even on</p> <p>10:45:28 6 the edge where it would have been pulling back. It</p> <p>10:45:31 7 was at the edge. That's why it entered the home.</p> <p>10:45:33 8 <b>Q. If ice forms at the edge of a flat roof,</b></p> <p>10:45:36 9 <b>can it lift the roof as it --</b></p> <p>10:45:37 10 MR. ROBERTSON: Objection.</p> <p>10:45:37 11 BY MR. GIVENS:</p> <p>10:45:37 12 <b>Q. -- goes in there and expands as it</b></p> <p>10:45:40 13 <b>freezes?</b></p> <p>10:45:41 14 MR. ROBERTSON: Objection to form.</p> <p>10:45:42 15 THE WITNESS: I mean, could it</p> <p>10:45:43 16 potentially, yes. It did not appear to have done</p> <p>10:45:47 17 that in this case, no.</p> <p>10:45:48 18 BY MR. GIVENS:</p> <p>10:45:48 19 <b>Q. How do you know?</b></p> <p>10:45:48 20 A. Again, based on how the cupping was</p> <p>10:45:50 21 formed and things like that. It was very uneven.</p> <p>10:45:55 22 It was stretched in certain areas. There appeared</p> <p>10:45:57 23 to have been previous repairs on those edges.</p> <p>10:46:00 24 There was enough for me to believe that this was</p> <p>10:46:02 25 not caused by the ice and snow from one event.</p>                          | <p>Page 76</p> <p>10:47:11 1 A. Desk review specialist.</p> <p>10:47:13 2 <b>Q. And where does that fall in the chain of</b></p> <p>10:47:14 3 <b>titles?</b></p> <p>10:47:15 4 A. In the chain of titles it doesn't exist</p> <p>10:47:18 5 anymore. It's part -- it's been part of the</p> <p>10:47:22 6 homeowner claim specialist group now. At the time</p> <p>10:47:24 7 you had adjusters, specialists, desk review</p> <p>10:47:27 8 specialists, and senior adjusters.</p> <p>10:47:30 9 <b>Q. Did you have some type of special focus</b></p> <p>10:47:32 10 <b>that you focused on during that period of time?</b></p> <p>10:47:35 11 A. As a desk review specialist you were not</p> <p>10:47:38 12 a file owner. You reviewed estimates and works</p> <p>10:47:41 13 from independent adjusters or supplements from</p> <p>10:47:42 14 contractors.</p> <p>10:47:43 15 <b>Q. Was it propertywide or did you just focus</b></p> <p>10:47:46 16 <b>on roofs?</b></p> <p>10:47:46 17 A. No, no. It was -- it was propertywide.</p> <p>10:47:50 18 <b>Q. Okay. So no matter what the cause of</b></p> <p>10:47:53 19 <b>loss or what the nature of the damage was, you</b></p> <p>10:47:55 20 <b>reviewed estimates that came in?</b></p> <p>10:47:57 21 A. Correct, sir.</p> <p>10:47:58 22 <b>Q. Would you only review certain estimates</b></p> <p>10:48:00 23 <b>or you had to review every estimate?</b></p> <p>10:48:03 24 A. I had to review any estimate that came</p> <p>10:48:05 25 into our queue.</p> |
| <p>Page 75</p> <p>10:46:11 1 BY MR. GIVENS:</p> <p>10:46:11 2 <b>Q. When I was trying to set up your</b></p> <p>10:46:19 3 <b>deposition back in November, I was told at one</b></p> <p>10:46:23 4 <b>point that you said you had never been involved in</b></p> <p>10:46:26 5 <b>this claim. Do you know anything about that?</b></p> <p>10:46:29 6 A. I do. When I was first asked about this</p> <p>10:46:33 7 claim, it was -- a different claim number was</p> <p>10:46:35 8 provided to me, but when I looked at that file I</p> <p>10:46:38 9 had no involvement in the claim, but there was</p> <p>10:46:40 10 another Mark that had been involved in the claim,</p> <p>10:46:43 11 so I was asking for clarification if I was the</p> <p>10:46:45 12 right person, and then when I was provided the</p> <p>10:46:47 13 estimate that showed I was the estimator, it had a</p> <p>10:46:50 14 different claim number than what I was originally</p> <p>10:46:53 15 provided and asked about.</p> <p>10:46:54 16 MR. ROBERTSON: So I assume that was a</p> <p>10:46:56 17 mistake of counsel in giving him a claim number</p> <p>10:47:00 18 so --</p> <p>10:47:00 19 MR. GIVENS: All I know is what I was</p> <p>10:47:01 20 told. That's why I'm asking.</p> <p>10:47:03 21 MR. ROBERTSON: I think I told you that</p> <p>10:47:04 22 before.</p> <p>10:47:07 23 BY MR. GIVENS:</p> <p>10:47:07 24 <b>Q. What was your title at the time you</b></p> <p>10:47:09 25 <b>decided this claim?</b></p> | <p>Page 77</p> <p>10:48:07 1 <b>Q. How was your volume measured? I know</b></p> <p>10:48:10 2 <b>adjusters, they have how many pending claims they</b></p> <p>10:48:12 3 <b>have.</b></p> <p>10:48:13 4 A. Right.</p> <p>10:48:13 5 <b>Q. What was it for you?</b></p> <p>10:48:14 6 A. At the time it was either amount of</p> <p>10:48:17 7 claims per day or dollar amount, because some</p> <p>10:48:20 8 estimates we reviewed were larger, and we didn't</p> <p>10:48:22 9 want to encourage people to rush through. So we</p> <p>10:48:25 10 looked at claims done and dollar amount reviewed,</p> <p>10:48:28 11 not changed or just, you know, what was it you</p> <p>10:48:31 12 pulled. If you pulled a \$1.2 million fire, you</p> <p>10:48:34 13 probably are going to spend a day or two on that</p> <p>10:48:38 14 versus smaller claims that -- you know, mitigation</p> <p>10:48:41 15 bills that you can review fairly quickly.</p> <p>10:48:43 16 <b>Q. You said dollar amount, but what was it</b></p> <p>10:48:46 17 <b>you said before then?</b></p> <p>10:48:47 18 A. Claims per day.</p> <p>10:48:48 19 <b>Q. And what was your claims per day</b></p> <p>10:48:50 20 <b>requirement or average?</b></p> <p>10:48:51 21 A. The goal was five to seven reviews per</p> <p>10:48:55 22 day.</p> <p>10:48:56 23 <b>Q. And that would have been at the time you</b></p> <p>10:48:59 24 <b>were doing the Godfreys?</b></p> <p>10:49:01 25 A. At the time I was doing Godfreys', I</p>                  |

**Mark Costello****12/13/2019****21 (78 - 81)**

|   |   |
|---|---|
| <p>10:49:04 1 believe it was, yes. Might even have been four,<br/> 10:49:07 2 but we adjusted a little bit, but it was no less<br/> 10:49:09 3 than four claims per day would have been the -- the<br/> 10:49:12 4 goal for that.<br/> 10:49:13 5 <b>Q. How much time do you estimate that you</b><br/> 10:49:14 6 <b>actually took on this claim before you decided it</b><br/> 10:49:17 7 <b>was not caused by ice or snow?</b><br/> 10:49:20 8 A. In reviewing the notes, several hours. I<br/> 10:49:25 9 also believe the notes reflect I discussed it with<br/> 10:49:28 10 another desk reviewer who had a lot of roof<br/> 10:49:35 11 knowledge as well, the owning adjuster, to discuss<br/> 10:49:38 12 what we were seeing.<br/> 10:49:39 13 <b>Q. Who did you discuss it with?</b><br/> 10:49:41 14 A. Sayde Brooks, the owning adjuster, and if<br/> 10:49:44 15 I recall correctly, Glenn Bearden, who was another<br/> 10:49:48 16 desk reviewer, we -- part of the team, we would<br/> 10:49:53 17 just bounce things off each other.<br/> 10:49:53 18 <b>Q. Bearden, B-e-a-r-d-e-n?</b><br/> 10:49:56 19 A. Correct.<br/> 10:49:56 20 <b>Q. First name Glenn?</b><br/> 10:49:58 21 A. Yes.<br/> 10:49:58 22 <b>Q. Where is he now?</b><br/> 10:49:59 23 A. I believe he's still in Oklahoma City as<br/> 10:50:02 24 a desk reviewer.<br/> 10:50:07 25 <b>Q. Do you have idea any how long he's been</b></p>  | <p>Page 78</p> <p>10:51:13 1 <b>Q. I thought earlier you said you only</b><br/> 10:51:15 2 <b>reviewed the one claim from '17 where the</b><br/> 10:51:19 3 <b>overlap --</b><br/> 10:51:19 4 A. Correct.<br/> 10:51:19 5 <b>Q. -- was going?</b><br/> 10:51:20 6 A. Sorry. Previous claim. I'm --<br/> 10:51:24 7 <b>Q. You haven't reviewed any other claim</b><br/> 10:51:25 8 <b>files?</b><br/> 10:51:26 9 A. Outside of the one where I tried to look<br/> 10:51:27 10 and see if I had an involvement, no.<br/> 10:51:32 11 <b>Q. How long did you spend with the</b><br/> 10:51:35 12 <b>attorneys?</b><br/> 10:51:37 13 A. Probably three and a half to four<br/> 10:51:38 14 hours.<br/> 10:51:39 15 <b>Q. Was that here?</b><br/> 10:51:40 16 A. Yesterday for about an hour and a half to<br/> 10:51:43 17 two hours here and then via phone call earlier in<br/> 10:51:46 18 the week.<br/> 10:51:47 19 <b>Q. So when you said "met with," it was just</b><br/> 10:51:49 20 <b>by phone --</b><br/> 10:51:50 21 A. Yes.<br/> 10:51:50 22 <b>Q. -- earlier?</b><br/> 10:51:50 23 A. Yeah.<br/> 10:51:51 24 <b>Q. Okay. So you're thinking three to four</b><br/> 10:51:53 25 <b>hours total this week, talking to them?</b></p>   |
| <p>Page 79</p> <p>10:50:10 1 <b>with the company?</b><br/> 10:50:10 2 A. Quite a while. Off the top of my head,<br/> 10:50:12 3 I'm not sure. Quite a while.<br/> 10:50:16 4 <b>Q. What about Sayde? Do you know how long</b><br/> 10:50:17 5 <b>she's been with the company?</b><br/> 10:50:17 6 A. I know she actually has been in property<br/> 10:50:20 7 at least as long as I have. We did policy training<br/> 10:50:23 8 together. Before that she worked for CSAA I<br/> 10:50:26 9 believe in auto claims, so I would guess<br/> 10:50:28 10 probably -- if I was guessing, between three and<br/> 10:50:31 11 five years.<br/> 10:50:31 12 <b>Q. So she started when you did, is that what</b><br/> 10:50:33 13 <b>you're saying?</b><br/> 10:50:34 14 A. She started at home when I did, but she<br/> 10:50:36 15 had worked for the company previous to that.<br/> 10:50:39 16 <b>Q. Right. What did you do to review for</b><br/> 10:50:46 17 <b>your deposition?</b><br/> 10:50:47 18 A. I reviewed the estimate and photos when I<br/> 10:50:49 19 received the correct claim number. I reviewed just<br/> 10:50:53 20 an overall my involvement in the file, and then I<br/> 10:50:57 21 met with our attorneys earlier this week to discuss<br/> 10:51:00 22 the overall deposition, and then we -- yesterday I<br/> 10:51:04 23 actually reviewed the supplemental information<br/> 10:51:07 24 provided by Ultimate Roofing and looked at the<br/> 10:51:10 25 previous claims.</p> | <p>Page 81</p> <p>10:51:55 1 A. I would say that's a fair estimate,<br/> 10:51:57 2 yes.<br/> 10:51:57 3 <b>Q. Okay. And how long would you estimate</b><br/> 10:51:58 4 <b>you spent looking at the estimates, pictures, and</b><br/> 10:52:01 5 <b>the other claim documents?</b><br/> 10:52:02 6 A. Probably another couple hours.<br/> 10:52:15 7 <b>Q. Did you look at anything else that you</b><br/> 10:52:17 8 <b>haven't just identified?</b><br/> 10:52:19 9 A. Not that I can recall, sir.<br/> 10:52:26 10 <b>Q. Are you currently scheduled to testify in</b><br/> 10:52:30 11 <b>any trials?</b><br/> 10:52:30 12 A. No, sir.<br/> 10:52:31 13 <b>Q. And you said no depositions are scheduled at</b><br/> 10:52:32 14 <b>this point?</b><br/> 10:52:33 15 A. No, sir.<br/> 10:52:33 16 <b>Q. Do you know of any other cases from</b><br/> 10:52:36 17 <b>Oklahoma on claims that you worked on?</b><br/> 10:52:38 18 MR. ROBERTSON: Object to form.<br/> 10:52:39 19 THE WITNESS: Not that I'm aware of. I'm<br/> 10:52:39 20 sorry. Not that I'm aware of.<br/> 10:52:40 21 MR. GIVENS: Why don't we just take a<br/> 10:52:41 22 break. We've been going a while.<br/> 10:52:43 23 THE VIDEOGRAPHER: We are off the record,<br/> 10:52:47 24 10:52 a.m.<br/> 11:03:54 25 (Recess taken.)</p> |

**Professional Reporters****800.376.1006****www.prreporters.com**

**Mark Costello****12/13/2019****22 (82 - 85)**

|  |   |
|--|---|
| <p>11:04:00 1 THE VIDEOGRAPHER: We're back on the<br/> 11:04:01 2 record, 11:03 a.m.<br/> 11:04:04 3 BY MR. GIVENS:<br/> 11:04:04 4 Q. Sir, I want to ask a follow-up question.<br/> 11:04:09 5 Earlier you said you had discussed the Godfrey<br/> 11:04:15 6 claim with Sayde Brooks and Glenn Bearden. Was<br/> 11:04:20 7 there anybody else you discussed it with when you<br/> 11:04:23 8 were working on it?<br/> 11:04:24 9 A. I'm not a hundred percent positive. I'm<br/> 11:04:26 10 assuming Alana Hare, Sayde's supervisor, normally<br/> 11:04:30 11 would have been involved in a conversation. I<br/> 11:04:32 12 can't say a hundred percent that she was or if she<br/> 11:04:34 13 just was kind of within earshot.<br/> 11:04:38 14 Q. Anybody else?<br/> 11:04:40 15 A. Not to my knowledge.<br/> 11:04:42 16 Q. Were there any e-mails that went around<br/> 11:04:44 17 between any of you about the claim?<br/> 11:04:49 18 A. I'm not positive. I believe I e-mailed<br/> 11:04:53 19 U.S. Adjusting, the manager.<br/> 11:05:04 20 Q. Anybody else? Any e-mails with Sayde,<br/> 11:05:06 21 Alana, Glenn?<br/> 11:05:07 22 A. I don't recall any. It's been a couple<br/> 11:05:09 23 years, so I mean -- normally I would just in the<br/> 11:05:11 24 same office have the conversation, so I don't know<br/> 11:05:13 25 that I would have sent any e-mails on that.</p> | <p>Page 82</p> <p>11:06:08 1 Q. And that's not in the file either that<br/> 11:06:09 2 you've reviewed?<br/> 11:06:13 3 A. No.<br/> 11:06:13 4 Q. Do you have any idea what Michael White's<br/> 11:06:19 5 background or experience is?<br/> 11:06:20 6 A. Do I know his experience, no.<br/> 11:06:22 7 Q. Or his training?<br/> 11:06:22 8 A. No, sir.<br/> 11:06:23 9 Q. Or how long he's been evaluating roofs?<br/> 11:06:26 10 A. No, sir.<br/> 11:06:27 11 Q. Do you know if they kept using him after<br/> 11:06:29 12 this claim?<br/> 11:06:30 13 A. After this claim, I don't know for sure.<br/> 11:06:32 14 I don't believe they still use him, no.<br/> 11:06:34 15 Q. Are you saying that something<br/> 11:06:36 16 affirmatively was done to -- to exclude him from<br/> 11:06:39 17 claims or you just don't know?<br/> 11:06:41 18 A. I don't know. I know I had several<br/> 11:06:44 19 claims where he probably didn't do the most<br/> 11:06:47 20 thorough investigation. Even in this one I had to<br/> 11:06:50 21 add items to the estimate he missed. I know when<br/> 11:06:53 22 we had those situations in him specifically, that<br/> 11:06:57 23 we reported that to our vendor group, and they work<br/> 11:07:00 24 directly with -- with U.S. Adjusting or the other<br/> 11:07:07 25 vendors.</p> |
| <p>11:05:16 1 Q. Is it true that e-mails do not<br/> 11:05:18 2 automatically get saved as part of the claim file<br/> 11:05:23 3 at AAA?<br/> 11:05:25 4 A. Yes, that is true.<br/> 11:05:26 5 Q. And is it still that way.<br/> 11:05:28 6 A. Unless -- I mean, you can have them put<br/> 11:05:30 7 into the claim file, but not every e-mail needs to<br/> 11:05:32 8 be in a claim file, so --<br/> 11:05:33 9 Q. You have to affirmatively do that?<br/> 11:05:35 10 A. Yes.<br/> 11:05:36 11 Q. What reasons would you do that?<br/> 11:05:38 12 A. If it was something that we felt would<br/> 11:05:40 13 need to be in. A lot of times documentation or a<br/> 11:05:44 14 reply to, say, a contractor or the insured we would<br/> 11:05:47 15 want record of that in file just so we're not<br/> 11:05:51 16 standing on the word that we did reply to someone.<br/> 11:05:53 17 Q. You mentioned that you e-mailed the<br/> 11:05:56 18 adjuster for U.S. Adjusting, and I didn't see that<br/> 11:06:05 19 in the claim file. Do you know why that would be?<br/> 11:06:05 20 A. I don't know. I don't -- it wouldn't<br/> 11:06:05 21 have been copied to the claim. It would have --<br/> 11:06:05 22 could have just been, "Hey, I've got a quick<br/> 11:06:05 23 question on this."<br/> 11:06:05 24 Q. Do you remember what his reply was?<br/> 11:06:07 25 A. I don't.</p>       | <p>Page 83</p> <p>11:07:07 1 Q. Did that happen before the Godfreys'<br/> 11:07:10 2 claim?<br/> 11:07:11 3 A. Had I talked to vendor management about<br/> 11:07:14 4 him before, yes.<br/> 11:07:15 5 Q. And did it happen after the Godfreys'<br/> 11:07:17 6 claim?<br/> 11:07:18 7 A. I don't recall working any claims with<br/> 11:07:20 8 him after the Godfreys' claim.<br/> 11:07:22 9 Q. What was your concern, if you had any,<br/> 11:07:23 10 other than leaving things out of estimates?<br/> 11:07:26 11 A. He wasn't very thorough. He had poor<br/> 11:07:31 12 documentation.<br/> 11:07:35 13 Q. Anything else?<br/> 11:07:36 14 A. Off the top of my head, no.<br/> 11:07:48 15 Q. How do you think he could be so wrong<br/> 11:07:50 16 about this roof?<br/> 11:07:51 17 A. I -- if you're asking for my opinion, I<br/> 11:07:53 18 feel like he just went out there, and the<br/> 11:07:54 19 contractor told him that's what it was, and he<br/> 11:07:57 20 didn't do much of an investigation on it.<br/> 11:07:59 21 Q. What evidence do you have that the<br/> 11:08:01 22 contractor told him anything?<br/> 11:08:04 23 MR. ROBERTSON: Objection to form.<br/> 11:08:04 24 THE WITNESS: That's just how it -- it<br/> 11:08:07 25 came across, the way it appeared to me.</p>                          |
|  | <p>Page 84</p>  |

**Professional Reporters****800.376.1006****www.prreporters.com**

|   |   |
|---|---|
| <p>11:08:09 1 BY MR. GIVENS:</p> <p>11:08:09 2 <b>Q. From what?</b></p> <p>11:08:10 3 A. Just from his notes and his pictures and</p> <p>11:08:11 4 what he would -- he didn't address a lot of things</p> <p>11:08:13 5 on there that you would like to see in a file as</p> <p>11:08:17 6 far as the previous damage and things like that.</p> <p>11:08:21 7 <b>Q. So you think the contractor told</b></p> <p>11:08:25 8 <b>Michael White what the cause should be, and he went</b></p> <p>11:08:27 9 <b>with it? Am I understanding you correctly?</b></p> <p>11:08:30 10 A. I think he was told that this was what</p> <p>11:08:31 11 the claim was reported for, not -- I can't say that</p> <p>11:08:33 12 the contractor did or didn't say that. This is</p> <p>11:08:37 13 what the claim was reported for, and that's just</p> <p>11:08:40 14 what he said it was. When we take a report, they</p> <p>11:08:42 15 tell us what they think it is, and I think he just</p> <p>11:08:45 16 went out there and said, "That's what this is." I</p> <p>11:08:48 17 don't know if the contractor did or didn't. I</p> <p>11:08:51 18 apologize.</p> <p>11:08:51 19 <b>Q. Well, he got on all the roofs,</b></p> <p>11:08:53 20 <b>photographed all the roofs in the house and things,</b></p> <p>11:08:56 21 <b>didn't he?</b></p> <p>11:08:56 22 A. Yes.</p> <p>11:08:56 23 <b>Q. And the interior?</b></p> <p>11:08:58 24 A. Yes.</p> <p>11:08:58 25 <b>Q. So he did an investigation?</b></p>   | <p>Page 86</p> <p>11:10:12 1 A. I don't. I know he worked claims in the</p> <p>11:10:15 2 Oklahoma territory. That's usually the claims I</p> <p>11:10:19 3 came across.</p> <p>11:10:20 4 <b>Q. Had you ever met him?</b></p> <p>11:10:22 5 A. No, sir, not to my knowledge.</p> <p>11:10:22 6 <b>Q. Did you ever confront him about any of</b></p> <p>11:10:24 7 <b>your concerns?</b></p> <p>11:10:25 8 A. I had conversations with him clarifying</p> <p>11:10:27 9 questions. On several claims I would call and ask</p> <p>11:10:30 10 for, "Hey, what was this? What did you think of</p> <p>11:10:33 11 this?" We had several discussions around hail</p> <p>11:10:36 12 identification and how he noted it.</p> <p>11:10:41 13 <b>Q. Did you ever let him know you didn't</b></p> <p>11:10:43 14 <b>think he was doing an adequate job?</b></p> <p>11:10:47 15 A. I did discuss with him how he noted</p> <p>11:10:51 16 files.</p> <p>11:10:52 17 <b>Q. Anything other than that?</b></p> <p>11:10:57 18 A. Not that I recall.</p> <p>11:10:57 19 <b>Q. Did you ever have a conflict with him or</b></p> <p>11:10:59 20 <b>a discussion with him about misdiagnosing the cause</b></p> <p>11:11:02 21 <b>of losses?</b></p> <p>11:11:08 22 MR. ROBERTSON: Objection, form.</p> <p>11:11:08 23 THE WITNESS: I would say the discussions</p> <p>11:11:10 24 I had with him, that I can recall, were more around</p> <p>11:11:12 25 the thoroughness in his notes.</p> |
| <p>Page 87</p> <p>11:08:59 1 A. He did do an investigation, yes.</p> <p>11:09:01 2 <b>Q. And what makes you think that he didn't</b></p> <p>11:09:04 3 <b>think about independently what the cause was?</b></p> <p>11:09:08 4 A. He didn't have notes to support that,</p> <p>11:09:11 5 didn't -- he just put his general note in and went</p> <p>11:09:14 6 from there.</p> <p>11:09:18 7 <b>Q. What other information do you think</b></p> <p>11:09:19 8 <b>should have been in there?</b></p> <p>11:09:21 9 A. Well, I think the condition of the roof</p> <p>11:09:22 10 should have been noted. I think it should have</p> <p>11:09:24 11 been taken into account during his investigation.</p> <p>11:09:27 12 I think he probably should have followed up more on</p> <p>11:09:30 13 the preexisting damages and the previous repairs</p> <p>11:09:34 14 that were evident in the photos that he didn't have</p> <p>11:09:37 15 notes either way, affirmative or denying on.</p> <p>11:09:41 16 <b>Q. Do you remember what you asked him in</b></p> <p>11:09:42 17 <b>your e-mail?</b></p> <p>11:09:43 18 A. I do not.</p> <p>11:09:55 19 <b>Q. Was there some type of vendor that these</b></p> <p>11:09:58 20 <b>adjusters were hired through or did you hire them</b></p> <p>11:10:02 21 <b>directly from U.S. Adjusting?</b></p> <p>11:10:04 22 A. So we would assign it to U.S. Adjusting,</p> <p>11:10:06 23 and U.S. Adjusting would select a vendor.</p> <p>11:10:08 24 <b>Q. Do you have any idea where Michael White</b></p> <p>11:10:10 25 <b>was located out of?</b></p> | <p>Page 88</p> <p>11:11:17 1 BY MR. GIVENS:</p> <p>11:11:17 2 <b>Q. When's the last time you've seen his name</b></p> <p>11:11:20 3 <b>in a CSAA claim?</b></p> <p>11:11:22 4 A. For me personally it probably would have</p> <p>11:11:24 5 been this claim, that I can recall.</p> <p>11:11:28 6 <b>Q. When did you get out of actually</b></p> <p>11:11:31 7 <b>reviewing claims as an Oklahoma related --</b></p> <p>11:11:33 8 A. Sure. So I promoted to desk review</p> <p>11:11:43 9 supervisor in May of 2018, so I didn't do the</p> <p>11:11:46 10 firsthand reviews at that point, and then in</p> <p>11:11:47 11 January of 2019 I promoted to a manager.</p> <p>11:11:50 12 <b>Q. So in May of '18 you stopped being a</b></p> <p>11:11:53 13 <b>daily claim reviewer or --</b></p> <p>11:11:55 14 A. Yes, sir.</p> <p>11:11:55 15 <b>Q. -- estimate reviewer?</b></p> <p>11:11:57 16 A. Yes, sir.</p> <p>11:11:57 17 <b>Q. And you just manage now the people who do</b></p> <p>11:11:59 18 <b>that?</b></p> <p>11:12:00 19 A. I did at that time, yes.</p> <p>11:12:01 20 <b>Q. And now you're a manager over adjusters?</b></p> <p>11:12:04 21 A. Yes, sir.</p> <p>11:12:05 22 <b>Q. Is that a normal just manager role? You</b></p> <p>11:12:10 23 <b>supervise the way they handle claims and deal with</b></p> <p>11:12:12 24 <b>them on claims?</b></p> <p>11:12:15 25 A. I more manage the day-to-day operations.</p>                                     |



|   |  |
|---|--|
| <p style="text-align: right;">Page 90</p> <p>11:12:18 1 I have a team of supervisors that report to me that</p> <p>11:12:21 2 are more in the files on a daily basis, managing</p> <p>11:12:24 3 workloads, things like that.</p> <p>11:12:25 4 <b>Q. So does Alana Hare report to you or, no,</b></p> <p>11:12:30 5 <b>she's out of your area?</b></p> <p>11:12:32 6 A. She is out of my area.</p> <p>11:12:33 7 <b>Q. Is that the kind of person that reports</b></p> <p>11:12:35 8 <b>to you, though?</b></p> <p>11:12:36 9 A. Yes, yes, I have the same level that</p> <p>11:12:37 10 reports to me.</p> <p>11:12:38 11 <b>Q. Did you ever supervise Sayde Brooks?</b></p> <p>11:12:41 12 A. No, sir.</p> <p>11:12:42 13 <b>Q. Or Alana Hare?</b></p> <p>11:12:43 14 A. No, sir.</p> <p>11:12:44 15 <b>Q. Do you have any idea what kind of</b></p> <p>11:12:48 16 <b>adjuster Sayde Brooks is?</b></p> <p>11:12:50 17 A. My experience with Sayde is she's a good</p> <p>11:12:52 18 adjuster.</p> <p>11:12:53 19 <b>Q. Do you think she has the experience and</b></p> <p>11:12:54 20 <b>the expertise to diagnose causes of roof damage or</b></p> <p>11:12:56 21 <b>did they leave that to people like you?</b></p> <p>11:12:58 22 A. At the time I think she had the support</p> <p>11:13:00 23 to help make those determinations as she was</p> <p>11:13:02 24 learning. That's why I would be reviewing that</p> <p>11:13:04 25 file and working with her on it, not just making</p>                               | <p style="text-align: right;">Page 92</p> <p>11:14:02 1 him finish his question.</p> <p>11:14:03 2 THE WITNESS: Oh, sorry.</p> <p>11:14:04 3 MR. GIVENS: Sorry, I was stuttering.</p> <p>11:14:05 4 BY MR. GIVENS:</p> <p>11:14:05 5 <b>Q. Would the 5,000 authority be for the</b></p> <p>11:14:07 6 <b>total loss or would it be 5,000 for the roof or</b></p> <p>11:14:11 7 <b>5,000 for inside?</b></p> <p>11:14:12 8 A. Right. So for review of the estimate</p> <p>11:14:14 9 itself, it would be per that estimate. For</p> <p>11:14:19 10 authority to make a decision in payment, it could</p> <p>11:14:22 11 be a multitude of factors.</p> <p>11:14:24 12 <b>Q. But this estimate from Michael White was</b></p> <p>11:14:26 13 <b>more than \$5,000 replacement cost, so that's why it</b></p> <p>11:14:31 14 <b>went above her?</b></p> <p>11:14:32 15 A. Correct.</p> <p>11:14:32 16 <b>Q. Do you know if any reserves were ever set</b></p> <p>11:14:34 17 <b>on this claim?</b></p> <p>11:14:37 18 MR. ROBERTSON: Objection to form.</p> <p>11:14:38 19 THE WITNESS: I'm assuming they were. We</p> <p>11:14:40 20 usually set them when we set -- when we open -- the</p> <p>11:14:42 21 process is to set them when you open the</p> <p>11:14:44 22 exposures.</p> <p>11:14:45 23 BY MR. GIVENS:</p> <p>11:14:45 24 <b>Q. Do you know what it was on this claim?</b></p> <p>11:14:47 25 MR. ROBERTSON: Objection to form.</p>  |
| <p style="text-align: right;">Page 91</p> <p>11:13:08 1 decisions, discussing it with her.</p> <p>11:13:10 2 <b>Q. Did some adjusters at her office do those</b></p> <p>11:13:13 3 <b>decisions on their own; they wouldn't send them to</b></p> <p>11:13:15 4 <b>you?</b></p> <p>11:13:16 5 A. As they were more tenured and there would</p> <p>11:13:19 6 be determinations on their levels of authority</p> <p>11:13:21 7 given by their supervisors, yes, there would be.</p> <p>11:13:29 8 <b>Q. So AAA was not letting her decide cause</b></p> <p>11:13:32 9 <b>of roof damage on her own at that point?</b></p> <p>11:13:34 10 A. At that time it wasn't based on the cause</p> <p>11:13:37 11 that it came to me. It was based on the dollar</p> <p>11:13:40 12 amount of the estimate. So I would say she</p> <p>11:13:42 13 didn't -- nobody told her not to, but because -- or</p> <p>11:13:45 14 to determine the cause. It was just above her</p> <p>11:13:47 15 authority for dollar amount to review, so it came</p> <p>11:13:49 16 to me.</p> <p>11:13:50 17 <b>Q. Do you know what her authority was?</b></p> <p>11:13:51 18 A. At that time I want to say probably</p> <p>11:13:53 19 \$5,000.</p> <p>11:13:58 20 <b>Q. Would that be total for a loss or would</b></p> <p>11:14:00 21 <b>that be --</b></p> <p>11:14:00 22 A. Per indi- --</p> <p>11:14:01 23 <b>Q. -- part of the roof --</b></p> <p>11:14:01 24 A. Per individual estimate.</p> <p>11:14:01 25 MR. ROBERTSON: Whoa, whoa, whoa. Let</p> | <p style="text-align: right;">Page 93</p> <p>11:14:48 1 THE WITNESS: I don't know offhand, no.</p> <p>11:14:50 2 BY MR. GIVENS:</p> <p>11:14:50 3 <b>Q. Would that normally be in the claim file?</b></p> <p>11:14:52 4 A. I don't know if it would or wouldn't.</p> <p>11:14:53 5 It's -- once they go away I'm not sure that there's</p> <p>11:14:56 6 a way to track them.</p> <p>11:14:58 7 <b>Q. Do you remember any reserves on this</b></p> <p>11:15:00 8 <b>claim?</b></p> <p>11:15:01 9 MR. ROBERTSON: Objection to form.</p> <p>11:15:02 10 THE WITNESS: I don't remember looking</p> <p>11:15:03 11 for any. I assume they would be there.</p> <p>11:15:08 12 BY MR. GIVENS:</p> <p>11:15:08 13 <b>Q. Earlier you told me what -- why you</b></p> <p>11:15:10 14 <b>didn't think this was ice and storm damage on this</b></p> <p>11:15:14 15 <b>roof of the Godfreys'. Can you tell me what you</b></p> <p>11:15:18 16 <b>would have seen if it was ice and storm damage that</b></p> <p>11:15:23 17 <b>caused the loss, the factors you would have seen</b></p> <p>11:15:27 18 <b>versus what you didn't see?</b></p> <p>11:15:28 19 A. Sure.</p> <p>11:15:29 20 MR. ROBERTSON: Objection to form, Go</p> <p>11:15:29 21 ahead.</p> <p>11:15:30 22 THE WITNESS: What I saw was evidence of</p> <p>11:15:32 23 long-term damage based on the overall roof. What I</p> <p>11:15:37 24 would have looked for to see if this was from the</p> <p>11:15:40 25 one-time ice event would have been the lack of the</p> |

|   |   |
|---|---|
| <p>Page 94</p> <p>11:15:43 1 presence of all the other deterioration, ponding,</p> <p>11:15:46 2 waves, and stretch as well as looking at the area</p> <p>11:15:50 3 to see that there was probably a previous repair</p> <p>11:15:52 4 done based on the different levels of</p> <p>11:15:56 5 deterioration.</p> <p>11:16:04 6 BY MR. GIVENS:</p> <p>11:16:04 7 <b>Q. Is that it?</b></p> <p>11:16:05 8 A. I mean, I again would have reviewed the</p> <p>11:16:07 9 weather, did it support having ice sitting there</p> <p>11:16:08 10 for a few days that could have caused that damage.</p> <p>11:16:10 11 <b>Q. Is it true that you did find weather</b></p> <p>11:16:13 12 <b>reports confirming ice and snow in the Godfreys'</b></p> <p>11:16:17 13 <b>area? You just didn't feel like it was enough?</b></p> <p>11:16:20 14 A. If I recall correctly, the weather report</p> <p>11:16:24 15 supported ice and snow but not for an extended</p> <p>11:16:27 16 period of time.</p> <p>11:16:27 17 <b>Q. Do you know if that roof was in the shade</b></p> <p>11:16:29 18 <b>or in the sun?</b></p> <p>11:16:31 19 A. Based on the photos I've seen, it did not</p> <p>11:16:33 20 appear to be shaded to where it would have been an</p> <p>11:16:35 21 issue.</p> <p>11:16:42 22 <b>Q. And what do you look for to tell if</b></p> <p>11:16:46 23 <b>something is wind damaged?</b></p> <p>11:16:48 24 A. For wind damage, torn seals, torn</p> <p>11:16:52 25 material, lifting, debris, creases.</p> | <p>Page 96</p> <p>11:18:01 1 <b>Q. Anybody else you can think of that's</b></p> <p>11:18:03 2 <b>similar that people think is authoritative and --</b></p> <p>11:18:08 3 A. As far as like roof damage</p> <p>11:18:09 4 identification, they're generally the go-to for</p> <p>11:18:12 5 most.</p> <p>11:18:21 6 <b>Q. I'm not going to ask for amounts, but</b></p> <p>11:18:23 7 <b>how's your performance recognized by CSAA, whether</b></p> <p>11:18:29 8 <b>it be profit sharing, bonuses, that type of thing?</b></p> <p>11:18:32 9 <b>Again, I'm not asking amounts, but how is that</b></p> <p>11:18:34 10 <b>done?</b></p> <p>11:18:36 11 MR. ROBERTSON: Objection to form.</p> <p>11:18:36 12 THE WITNESS: As far as just in general?</p> <p>11:18:39 13 BY MR. GIVENS:</p> <p>11:18:39 14 <b>Q. And let's go back to the February of '18</b></p> <p>11:18:41 15 <b>time period --</b></p> <p>11:18:41 16 A. So --</p> <p>11:18:41 17 <b>Q. -- when you were in Oklahoma.</b></p> <p>11:18:43 18 A. Sure. Every employee is eligible for a</p> <p>11:18:47 19 merit bonus based -- or a merit raise based on</p> <p>11:18:52 20 performance against goals. Everyone in the company</p> <p>11:18:54 21 is eligible for a bonus based on company</p> <p>11:19:02 22 performance and your contributions to those</p> <p>11:19:03 23 things.</p> <p>11:19:04 24 <b>Q. What factors go into the merit raise?</b></p> <p>11:19:06 25 A. The merit raise would be based on your</p>   |
| <p>Page 95</p> <p>11:17:07 1 <b>Q. Now, the factors you've gone over for ice</b></p> <p>11:17:10 2 <b>and snow and wind damage, are those from a book or</b></p> <p>11:17:12 3 <b>a manual you were given at some point or is it just</b></p> <p>11:17:15 4 <b>all on the job?</b></p> <p>11:17:16 5 A. I would say mainly experience and</p> <p>11:17:18 6 training.</p> <p>11:17:18 7 <b>Q. I noticed reference to Haag guidelines.</b></p> <p>11:17:21 8 <b>Do you have any Haag manuals or Haag books that you</b></p> <p>11:17:25 9 <b>go by?</b></p> <p>11:17:25 10 A. I mean, a long time ago I used to carry a</p> <p>11:17:29 11 Haag book in my car for discussions, but that was</p> <p>11:17:33 12 years and years and years ago before I had gotten</p> <p>11:17:36 13 on a lot of roofs.</p> <p>11:17:37 14 <b>Q. Do you believe the Haag materials are</b></p> <p>11:17:43 15 <b>authoritative?</b></p> <p>11:17:43 16 A. I believe the Haag materials that I</p> <p>11:17:44 17 referenced usually were generally around wind and</p> <p>11:17:45 18 hail. I felt like they were pretty -- pretty</p> <p>11:17:48 19 solid.</p> <p>11:17:49 20 <b>Q. I guess what I'm asking is are they</b></p> <p>11:17:52 21 <b>authoritative in your industry? Do --</b></p> <p>11:17:55 22 A. I would say --</p> <p>11:17:56 23 <b>Q. -- people rely on them to --</b></p> <p>11:17:56 24 A. I would say, yes, people do rely on Haag</p> <p>11:17:58 25 quite a bit in our industry.</p>                    | <p>Page 97</p> <p>11:19:10 1 performance against your individual goals.</p> <p>11:19:12 2 <b>Q. Can you give us some sample goals?</b></p> <p>11:19:14 3 A. You mentioned earlier goals for a desk</p> <p>11:19:18 4 reviewer or claims per day, dollar amount reviewed.</p> <p>11:19:23 5 Everybody in the company's held to an NPS, or a net</p> <p>11:19:27 6 promoter score goal, as we all have a part in the</p> <p>11:19:31 7 claims process. For an individual general adjuster</p> <p>11:19:33 8 it would be phone metrics such as calls that go to</p> <p>11:19:36 9 voicemail, calls returned the same day, outbound to</p> <p>11:19:40 10 inbound call ratios.</p> <p>11:19:45 11 <b>Q. What about NPS goals? What is that?</b></p> <p>11:19:48 12 A. NPS would be our net promoter score.</p> <p>11:19:50 13 Whether we have promoters or detractors on a</p> <p>11:19:51 14 survey, it goes out on claims.</p> <p>11:19:56 15 <b>Q. Oh, I meant to ask you, did you notify or</b></p> <p>11:19:59 16 <b>write any letters or e-mails negative of</b></p> <p>11:20:03 17 <b>Michael White's work on this claim at all?</b></p> <p>11:20:07 18 A. Not to my recollection. I think I asked</p> <p>11:20:09 19 for clarification. It would have been the e-mail,</p> <p>11:20:12 20 which wasn't uncommon.</p> <p>11:20:15 21 <b>Q. But beyond that where you reached out to</b></p> <p>11:20:17 22 <b>him, what I'm asking is did you do anything within</b></p> <p>11:20:19 23 <b>CSAA to say, "Hey, this guy made a mistake"?</b></p> <p>11:20:23 24 A. I have notified our vendor management</p> <p>11:20:25 25 team.</p> |

Mark Costello

12/13/2019

26 (98 - 101)

|   |  |
|---|--|
| <p>11:20:25 1 Q. About this particular claim?</p> <p>11:20:27 2 A. I believe I did, yes.</p> <p>11:20:28 3 Q. In what way?</p> <p>11:20:29 4 A. Just let them know that there wasn't a</p> <p>11:20:31 5 thorough investigation completed.</p> <p>11:20:32 6 Q. In what way did you notify them?</p> <p>11:20:34 7 A. Verbally.</p> <p>11:20:35 8 Q. Who did you talk to?</p> <p>11:20:36 9 A. Lucas Richards was the vendor manager at</p> <p>11:20:40 10 the time.</p> <p>11:20:40 11 Q. Is he still around?</p> <p>11:20:41 12 A. No. He's left the company fairly</p> <p>11:20:44 13 recently.</p> <p>11:20:44 14 Q. Do you know where he went?</p> <p>11:20:45 15 A. I believe just to be with his family.</p> <p>11:20:51 16 Q. He retired or --</p> <p>11:20:53 17 A. He resigned.</p> <p>11:20:54 18 Q. Do you know where he works?</p> <p>11:20:55 19 A. I do not.</p> <p>11:20:58 20 Q. And what was his response?</p> <p>11:21:02 21 A. It wasn't really a response. Just</p> <p>11:21:03 22 basically if we started to see trends or patterns,</p> <p>11:21:08 23 we would let them know so he could address it with</p> <p>11:21:09 24 the vendor. That was kind of his role, the liaison</p> <p>11:21:10 25 between.</p>  | <p>Page 98</p> <p>11:22:10 1 Q. And I think you said you told him you had</p> <p>11:22:12 2 an issue with thoroughness. Did you talk about any</p> <p>11:22:15 3 details?</p> <p>11:22:15 4 A. Yes. Just on several claims, they were</p> <p>11:22:19 5 not done very thoroughly, so I would give the</p> <p>11:22:23 6 specifics of those claims.</p> <p>11:22:24 7 Q. And did you say earlier it was about</p> <p>11:22:26 8 omitting things?</p> <p>11:22:27 9 A. Sometimes it was leaving things off the</p> <p>11:22:29 10 estimate that needed to be added. Other times it</p> <p>11:22:31 11 was phrasing used. Other times it was just</p> <p>11:22:34 12 missing -- just not doing a good investigation.</p> <p>11:22:38 13 Q. In what way?</p> <p>11:22:40 14 A. One particular claim he basically missed</p> <p>11:22:46 15 an entire kitchen on a water loss. Other</p> <p>11:22:50 16 particular claims his notes were contradictory to</p> <p>11:22:54 17 each other. That did not help us resolve the</p> <p>11:22:59 18 claims.</p> <p>11:23:00 19 Q. But when you talked to Mr. Richards,</p> <p>11:23:02 20 there was nothing specifically mentioned about</p> <p>11:23:05 21 whether it was ice and snow or whether it was</p> <p>11:23:08 22 something else?</p> <p>11:23:08 23 A. The specific conversation about this</p> <p>11:23:11 24 would have been I -- why was none of this</p> <p>11:23:14 25 addressed. There was nothing supporting his</p>                                    |
| <p>11:21:11 1 Q. And the vendor is U.S. Adjustment (sic)?</p> <p>11:21:14 2 A. Correct.</p> <p>11:21:17 3 Q. Has anything changed as a result of how</p> <p>11:21:19 4 this claim was handled? Any changes been made in</p> <p>11:21:22 5 how they do anything in terms of diagnosing roof</p> <p>11:21:25 6 damage?</p> <p>11:21:26 7 MR. ROBERTSON: Objection to the form.</p> <p>11:21:27 8 THE WITNESS: How U.S. Adjusting does?</p> <p>11:21:29 9 BY MR. GIVENS:</p> <p>11:21:30 10 Q. No, how CSAA.</p> <p>11:21:31 11 A. I mean, we still try to do a thorough</p> <p>11:21:33 12 investigation on every claim.</p> <p>11:21:36 13 Q. My question is just because of the</p> <p>11:21:43 14 Godfrey claim, has anybody done anything to</p> <p>11:21:46 15 implement any type of change in the way these</p> <p>11:21:50 16 claims are handled?</p> <p>11:21:51 17 A. Not to my knowledge.</p> <p>11:21:52 18 Q. And U.S. Adjustment still handles claims</p> <p>11:21:58 19 for CSAA?</p> <p>11:22:00 20 A. Yes, sir.</p> <p>11:22:01 21 Q. Did anything ever come back to you after</p> <p>11:22:03 22 you talked to Mr. Richards?</p> <p>11:22:06 23 A. On this particular --</p> <p>11:22:07 24 Q. About Mr. White.</p> <p>11:22:09 25 A. No, not that I can recall.</p> | <p>Page 99</p> <p>11:23:17 1 decision, and it was left to us at that point. He</p> <p>11:23:18 2 put a statement that said it was this, but nothing</p> <p>11:23:21 3 to support that decision.</p> <p>11:23:27 4 Q. So you would agree that when an</p> <p>11:23:28 5 independent adjuster goes out, they should be</p> <p>11:23:31 6 qualified to determine the cause of a roof loss?</p> <p>11:23:35 7 A. I would agree they should be able to</p> <p>11:23:37 8 identify causes. The determination of coverage we</p> <p>11:23:39 9 don't put that or don't have an expectation of</p> <p>11:23:42 10 them.</p> <p>11:23:43 11 Q. But the understanding is that the person</p> <p>11:23:45 12 going out there to do that evaluation is qualified</p> <p>11:23:48 13 to tell what is wind damage versus a worn-out roof?</p> <p>11:23:53 14 A. We would have an expectation of that,</p> <p>11:23:54 15 yes.</p> <p>11:24:01 16 Q. And insureds like the Godfreys should be</p> <p>11:24:04 17 able to rely upon a good qualified adjuster being</p> <p>11:24:08 18 sent to their home?</p> <p>11:24:10 19 A. I would agree with that, yes.</p> <p>11:24:11 20 Q. Can you understand how the Godfreys take</p> <p>11:24:16 21 issue with the decision made on their claim when</p> <p>11:24:18 22 Mr. White told them it was covered and it was snow</p> <p>11:24:21 23 and ice damage?</p> <p>11:24:22 24 MR. ROBERTSON: Objection to form.</p> <p>11:24:23 25 THE WITNESS: I would say Mr. White went</p> |

Professional Reporters

800.376.1006

www.prreporters.com

Mark Costello

12/13/2019

27 (102 - 105)

|   |   |
|---|---|
| <p>Page 102</p> <p>11:24:26 1 outside of his boundaries in making that</p> <p>11:24:28 2 determination and statement. So I also would</p> <p>11:24:30 3 understand why they were upset. They were given</p> <p>11:24:32 4 incorrect information.</p> <p>11:24:45 5 BY MR. GIVENS:</p> <p>11:24:45 6 Q. Let's go through the claim file, your</p> <p>11:24:47 7 work on it if we can.</p> <p>11:24:49 8 A. Sure.</p> <p>11:25:05 9 Q. Just starting on page 1 this is a dec</p> <p>11:25:07 10 sheet for the Godfreys' policy. Shows they had</p> <p>11:25:12 11 \$560,000 coverage on their dwelling; correct?</p> <p>11:25:14 12 A. Correct.</p> <p>11:25:15 13 Q. And they had replacement costs on their</p> <p>11:25:16 14 structure, the building, and their personal</p> <p>11:25:18 15 property?</p> <p>11:25:19 16 A. Correct.</p> <p>11:25:21 17 Q. And their premium on page 2 is over</p> <p>11:25:24 18 \$5,000 for that coverage at the time of this loss?</p> <p>11:25:27 19 A. Correct.</p> <p>11:25:29 20 Q. And I just want to make sure I understand</p> <p>11:25:32 21 your answer to the question of the coverages shown</p> <p>11:25:37 22 on this dec sheet. They do cover damage caused by</p> <p>11:25:43 23 wind, snow, and ice if those things damage the</p> <p>11:25:46 24 structure?</p> <p>11:25:48 25 MR. ROBERTSON: Objection, form.</p>  | <p>Page 104</p> <p>11:27:06 1 Q. On page 26 there's reference to a 2015</p> <p>11:27:08 2 claim that was for damage in their kitchen, which</p> <p>11:27:11 3 is a different roof on that part of the house;</p> <p>11:27:14 4 correct?</p> <p>11:27:17 5 A. In the active file, yes, there is a list</p> <p>11:27:20 6 of that.</p> <p>11:27:20 7 Q. So that's not the area we're talking</p> <p>11:27:21 8 about in this claim, do you agree?</p> <p>11:27:23 9 A. I'd agree.</p> <p>11:27:29 10 Q. Would you agree that Oklahoma has pretty</p> <p>11:27:31 11 severe weather at times?</p> <p>11:27:33 12 A. I would agree with that.</p> <p>11:27:34 13 Q. And some areas seem more prone to storm</p> <p>11:27:37 14 damage than others?</p> <p>11:27:39 15 A. I don't know that I could agree with</p> <p>11:27:40 16 that. I think -- I mean, depending on what type of</p> <p>11:27:46 17 storm damage there are.</p> <p>11:27:47 18 Q. How many times has a tornado gone pretty</p> <p>11:27:52 19 much down the same path through Moore, Oklahoma?</p> <p>11:27:55 20 A. I think that extreme would be considered,</p> <p>11:27:57 21 yep.</p> <p>11:27:57 22 Q. Okay. So some areas of town may get</p> <p>11:28:00 23 worse weather than others?</p> <p>11:28:02 24 A. Potentially.</p> <p>11:28:03 25 MR. ROBERTSON: Objection to form.</p>   |
| <p>Page 103</p> <p>11:25:49 1 THE WITNESS: Correct.</p> <p>11:25:51 2 BY MR. GIVENS:</p> <p>11:25:51 3 Q. Then the next documents are -- are</p> <p>11:25:54 4 Sayde's. She was the handling adjuster, and you</p> <p>11:25:57 5 only came into the picture when Michael White's</p> <p>11:26:00 6 estimate came in; is that correct?</p> <p>11:26:01 7 A. That is correct, sir.</p> <p>11:26:03 8 Q. And there's a -- what's called an ISO</p> <p>11:26:07 9 search starting on page 13 which identifies some</p> <p>11:26:11 10 previous claims. Some of them are related to the</p> <p>11:26:24 11 Godfreys. Some of them may just involve the same</p> <p>11:26:27 12 property that they live in. But the 2017 claim is</p> <p>11:26:30 13 identified in here at page 25. Would you have</p> <p>11:26:41 14 known this information at the time you worked on</p> <p>11:26:43 15 the claim?</p> <p>11:26:44 16 A. I wouldn't have looked at this</p> <p>11:26:45 17 information, no.</p> <p>11:26:46 18 Q. I think you referenced it, and we'll get</p> <p>11:26:49 19 to the claim diaries later, but we can do that</p> <p>11:26:52 20 later if you don't recall. So you don't recall</p> <p>11:26:54 21 looking at the past claim history?</p> <p>11:26:57 22 A. Off the top of my head, I don't.</p> <p>11:26:59 23 Q. Okay.</p> <p>11:26:59 24 A. I would have -- need to have a reason to</p> <p>11:27:02 25 go look for -- look at it as a desk reviewer.</p> | <p>Page 105</p> <p>11:28:03 1 BY MR. GIVENS:</p> <p>11:28:03 2 Q. So relying on average weather for</p> <p>11:28:06 3 Oklahoma City might not give you the actual weather</p> <p>11:28:09 4 that is at somebody's house in Edmond; right?</p> <p>11:28:12 5 MR. ROBERTSON: Objection to form.</p> <p>11:28:13 6 THE WITNESS: I mean, I wasn't really</p> <p>11:28:14 7 just necessarily relying on that. I mean, I would</p> <p>11:28:17 8 look in the area that I'm reviewing.</p> <p>11:28:20 9 BY MR. GIVENS:</p> <p>11:28:20 10 Q. Well, when you looked at weather data,</p> <p>11:28:22 11 can you explain for us how it is that you</p> <p>11:28:25 12 pinpointed their part of town?</p> <p>11:28:27 13 A. Generally when I search for weather data,</p> <p>11:28:28 14 I use the ZIP code and will pull the closest</p> <p>11:28:32 15 information.</p> <p>11:28:34 16 Q. I think you mentioned looking at media</p> <p>11:28:35 17 things and things like that. They're not going to</p> <p>11:28:38 18 break it down by neighborhood, are they?</p> <p>11:28:41 19 A. I mean, using the ZIP is generally going</p> <p>11:28:45 20 to be as close as I went in reviewing these.</p> <p>11:28:51 21 Q. Okay. So you didn't look at YouTube</p> <p>11:28:52 22 videos or whatever else you mentioned, media --</p> <p>11:28:55 23 news stories that kind thing?</p> <p>11:28:57 24 A. I mean, I don't recall any news stories</p> <p>11:28:58 25 like when we had the ice storms and -- ten years</p> |

**Professional Reporters**

800.376.1006

www.prreporters.com

Mark Costello

12/13/2019

28 (106 - 109)

|  |  |
|--|--|
| <p>Page 106</p> <p>11:29:00 1 ago there.</p> <p>11:29:02 2 Q. Okay. Starting on page 37 is Mr. White's</p> <p>11:29:16 3 estimate, and there's several versions of all the</p> <p>11:29:18 4 different estimates in the claim file. Should they</p> <p>11:29:20 5 all be the same if it's the same date?</p> <p>11:29:23 6 A. They should be, yes.</p> <p>11:29:25 7 Q. I've always gone by the date in the lower</p> <p>11:29:27 8 right of the pages in an estimate. Is that right,</p> <p>11:29:32 9 that's the date that one was produced?</p> <p>11:29:35 10 A. Yeah, correct.</p> <p>11:29:35 11 Q. Okay. And actually this page 37 is not</p> <p>11:29:38 12 really his estimate. It's kind of a preliminary</p> <p>11:29:41 13 document called an audit trail; is that right?</p> <p>11:29:45 14 A. Correct.</p> <p>11:29:45 15 Q. What is an audit trail?</p> <p>11:29:48 16 A. Audit trail is system generated. It</p> <p>11:29:51 17 talks specifically about when changes were made.</p> <p>11:29:53 18 It's literally a breakdown of an auditing of the</p> <p>11:29:57 19 estimate, if there's any anomalies that should be</p> <p>11:30:00 20 noted, if you went in and mainly changed something</p> <p>11:30:03 21 that the system had generated, things like that.</p> <p>11:30:05 22 Q. Is it true, and we can go through each of</p> <p>11:30:07 23 them, but every estimate or every U.S. Adjusting</p> <p>11:30:11 24 document that CSAA received that was generated as a</p> <p>11:30:14 25 result of Michael White's work, under type of loss</p> | <p>Page 108</p> <p>11:31:05 1 he calls the flat roof above the sitting room that</p> <p>11:31:09 2 required removing and replacing the -- he calls it</p> <p>11:31:15 3 rubber roofing or the estimate calls it rubber</p> <p>11:31:18 4 roofing; right?</p> <p>11:31:20 5 A. Correct.</p> <p>11:31:20 6 Q. What do you call it?</p> <p>11:31:21 7 A. Just flat roof. I mean, there's multiple</p> <p>11:31:24 8 flat roof types of surfaces. He calls it rubber.</p> <p>11:31:28 9 There's built-up. There's -- I was going off what</p> <p>11:31:32 10 he had on there.</p> <p>11:31:32 11 Q. Well, what do you think? What would you</p> <p>11:31:33 12 call what they have on this area?</p> <p>11:31:33 13 A. Based on the photos either rubber or</p> <p>11:31:38 14 EPDM.</p> <p>11:31:39 15 Q. What's EPDM?</p> <p>11:31:39 16 A. I can't remember the exact breakdown of</p> <p>11:31:40 17 it. It's a built-up roof.</p> <p>11:31:41 18 Q. But as to what EP -- EPDM means what do</p> <p>11:31:46 19 you know --</p> <p>11:31:46 20 A. I honestly can't remember. It's like an</p> <p>11:31:50 21 elastic plyometri- -- there's --</p> <p>11:31:53 22 Q. So what is there besides EPDM on flat</p> <p>11:31:56 23 roofs?</p> <p>11:31:57 24 A. I mean, you can have modified bitumen.</p> <p>11:31:59 25 You can have built-up systems. Again, his material</p>     |
| <p>Page 107</p> <p>11:30:19 1 every one of them says, "Weight of ice and snow"?</p> <p>11:30:21 2 A. Without looking at them, I would assume,</p> <p>11:30:24 3 because that's what they reported the loss as,</p> <p>11:30:26 4 yes.</p> <p>11:30:26 5 Q. Okay. And that's what he concluded it</p> <p>11:30:28 6 was; right?</p> <p>11:30:30 7 MR. ROBERTSON: Objection to form.</p> <p>11:30:31 8 THE WITNESS: I mean, that was -- that</p> <p>11:30:33 9 was what his notes refer to it as, yes.</p> <p>11:30:35 10 BY MR. GIVENS:</p> <p>11:30:35 11 Q. Okay. I'm just trying to make sure that</p> <p>11:30:37 12 there's no information that you have that I don't</p> <p>11:30:39 13 have.</p> <p>11:30:39 14 A. No, no. We give the independent adjuster</p> <p>11:30:41 15 the cause of loss that the insured gives us and</p> <p>11:30:43 16 then expect the independent adjuster to do a</p> <p>11:30:47 17 thorough investigation to determine the actual</p> <p>11:30:50 18 cause of loss.</p> <p>11:30:51 19 Q. Okay. His estimate starts page 43. Do</p> <p>11:30:55 20 you see that?</p> <p>11:30:57 21 A. Yes, sir.</p> <p>11:30:57 22 Q. And this is what you would have been</p> <p>11:30:59 23 looking at?</p> <p>11:30:59 24 A. Yes, sir.</p> <p>11:31:00 25 Q. And page 44 he identifies damage to what</p>   | <p>Page 109</p> <p>11:32:04 1 identification wasn't necessarily what I was</p> <p>11:32:07 2 focused on.</p> <p>11:32:08 3 Q. Did you say you think this is an EPDM</p> <p>11:32:10 4 roof?</p> <p>11:32:10 5 A. If I did, I mean without -- I -- I would</p> <p>11:32:12 6 have to say based on his, it's a rubber roof. I</p> <p>11:32:15 7 just use that term kind of interchangeably when I'm</p> <p>11:32:18 8 talking about it.</p> <p>11:32:19 9 Q. Is there anything about that type of</p> <p>11:32:20 10 material that is either more or less prone to wind</p> <p>11:32:25 11 damage or ice and snow damage?</p> <p>11:32:27 12 A. Not that I'm aware of.</p> <p>11:32:33 13 Q. Or pulling up on the edges, anything like</p> <p>11:32:34 14 that?</p> <p>11:32:35 15 A. No, not to my knowledge.</p> <p>11:32:35 16 Q. Or wearing out any sooner than average?</p> <p>11:32:37 17 A. Not to my knowledge.</p> <p>11:32:39 18 Q. You did say wind damage factors earlier,</p> <p>11:32:44 19 and I meant to ask you did you see any torn seals</p> <p>11:32:47 20 or materials on the Godfrey roof when you worked on</p> <p>11:32:51 21 their claim?</p> <p>11:32:54 22 A. There was no close-ups that showed me any</p> <p>11:32:56 23 torn serial -- seals.</p> <p>11:32:59 24 Q. Or materials?</p> <p>11:33:00 25 A. Or materials. I mean, there was cracks</p> |

**Professional Reporters**

800.376.1006

www.proreporters.com

|   |  |
|---|--|
| <p>Page 110</p> <p>11:33:01 1 and there was deterioration along almost all of the</p> <p>11:33:04 2 seams in certain areas, but he didn't have any</p> <p>11:33:08 3 photos, again, that showed pulled-up, torn seals.</p> <p>11:33:12 4 <b>Q. Is it correct that the edges were lifted?</b></p> <p>11:33:16 5 A. Not all of the edges, but there were</p> <p>11:33:17 6 edges that had basically cupped.</p> <p>11:33:21 7 <b>Q. And that is one sign of wind damage?</b></p> <p>11:33:24 8 MR. ROBERTSON: Objection to form.</p> <p>11:33:26 9 THE WITNESS: I would expect the seals to</p> <p>11:33:29 10 be torn and straight paths to be lifted for wind</p> <p>11:33:31 11 damage more than a bubble in the middle.</p> <p>11:33:36 12 <b>Q. My question is just lifting of the edges</b></p> <p>11:33:42 13 <b>can be wind damage; right?</b></p> <p>11:33:43 14 A. It can be, yes.</p> <p>11:33:44 15 <b>Q. Okay. And ice and snow can also cause a</b></p> <p>11:33:49 16 <b>sagging of a flat roof; correct?</b></p> <p>11:33:52 17 MR. ROBERTSON: Objection to form.</p> <p>11:33:52 18 THE WITNESS: It can, yes.</p> <p>11:33:55 19 BY MR. GIVENS:</p> <p>11:33:55 20 <b>Q. And it can cause lifting on the edges?</b></p> <p>11:33:59 21 A. I think it potentially could, yes.</p> <p>11:34:03 22 <b>Q. Now, back to the estimate. We were on</b></p> <p>11:34:08 23 <b>page 44. So he identifies that damage to the flat</b></p> <p>11:34:13 24 <b>roof above the sitting room, and then he identifies</b></p> <p>11:34:16 25 <b>damage to various areas inside the house; correct?</b></p> | <p>Page 112</p> <p>11:35:09 1 <b>Q. Do you think it's possible he may have</b></p> <p>11:35:13 2 <b>missed some damage in the house --</b></p> <p>11:35:15 3 MR. ROBERTSON: Objection.</p> <p>11:35:15 4 BY MR. GIVENS:</p> <p>11:35:15 5 <b>Q. -- from what you've said about his</b></p> <p>11:35:16 6 <b>thoroughness?</b></p> <p>11:35:18 7 A. What he missed that I recall rewriting</p> <p>11:35:20 8 was items within the rooms that he noted damage.</p> <p>11:35:24 9 He just didn't note all the necessary work to be</p> <p>11:35:27 10 done to fix those damages.</p> <p>11:35:29 11 <b>Q. And are you working with Xactimate when</b></p> <p>11:35:33 12 <b>you're working on the claim?</b></p> <p>11:35:35 13 A. Yes.</p> <p>11:35:35 14 <b>Q. Are you certified in that?</b></p> <p>11:35:37 15 A. I don't have certifications, no.</p> <p>11:35:38 16 <b>Q. Okay. How much training have you had on</b></p> <p>11:35:42 17 <b>it?</b></p> <p>11:35:42 18 A. Xactimate I had multiple weeks of</p> <p>11:35:47 19 training.</p> <p>11:35:47 20 <b>Q. How long ago?</b></p> <p>11:35:48 21 A. I had it when I trained with Farmers</p> <p>11:35:50 22 property I want to say probably back in 2011 or</p> <p>11:35:54 23 '12.</p> <p>11:36:03 24 <b>Q. Would you agree that an adjuster who's</b></p> <p>11:36:04 25 <b>out on the roof and in the house can see a lot that</b></p>   |
| <p>Page 111</p> <p>11:34:20 1 A. Correct.</p> <p>11:34:20 2 <b>Q. And that's not unusual. You can have an</b></p> <p>11:34:23 3 <b>area of a roof where water gets in, and it can</b></p> <p>11:34:26 4 <b>travel to different places in the house?</b></p> <p>11:34:28 5 A. It can or you can have multiple areas</p> <p>11:34:31 6 where it comes in, affecting different areas of the</p> <p>11:34:33 7 home.</p> <p>11:34:33 8 <b>Q. Did you make any conclusion as to where</b></p> <p>11:34:35 9 <b>all the water that got in the house was</b></p> <p>11:34:37 10 <b>specifically coming from?</b></p> <p>11:34:38 11 A. I based it off of his notes and photos</p> <p>11:34:40 12 that it was coming in from the edge of the roof.</p> <p>11:34:44 13 That was what he estimated the damage for those</p> <p>11:34:46 14 walls and ceilings.</p> <p>11:34:47 15 <b>Q. So you didn't dispute that the areas in</b></p> <p>11:34:50 16 <b>the house that were damaged came from water that</b></p> <p>11:34:52 17 <b>was getting in around the flat roof above the</b></p> <p>11:34:55 18 <b>sitting room?</b></p> <p>11:34:57 19 A. Nope, I did not.</p> <p>11:34:57 20 <b>Q. And that's why you ultimately said that</b></p> <p>11:35:00 21 <b>that interior damage should be covered?</b></p> <p>11:35:03 22 A. Correct.</p> <p>11:35:03 23 <b>Q. It just fell within the deductible as</b></p> <p>11:35:05 24 <b>you've said?</b></p> <p>11:35:06 25 A. Correct.</p>  | <p>Page 113</p> <p>11:36:08 1 <b>you're not going to be able to see just looking at</b></p> <p>11:36:10 2 <b>pictures they take?</b></p> <p>11:36:12 3 MR. ROBERTSON: Objection to form.</p> <p>11:36:13 4 THE WITNESS: I would say anything they</p> <p>11:36:14 5 need us to see should be photographed.</p> <p>11:36:17 6 BY MR. GIVENS:</p> <p>11:36:17 7 <b>Q. So in response to my question do you</b></p> <p>11:36:20 8 <b>agree that when they're out there on the house and</b></p> <p>11:36:22 9 <b>in the house they're seeing a lot more things than</b></p> <p>11:36:26 10 <b>you are actually able to see in the pictures you</b></p> <p>11:36:28 11 <b>look at?</b></p> <p>11:36:29 12 MR. ROBERTSON: Objection, form.</p> <p>11:36:31 13 THE WITNESS: I would say I'm only able</p> <p>11:36:32 14 to see what he provides pictures of.</p> <p>11:36:35 15 BY MR. GIVENS:</p> <p>11:36:35 16 <b>Q. And those are still pictures taken from</b></p> <p>11:36:37 17 <b>certain angles? When somebody is out at the</b></p> <p>11:36:39 18 <b>property, they're seeing things from all angles and</b></p> <p>11:36:42 19 <b>different perspectives than you can see in photos;</b></p> <p>11:36:48 20 <b>correct?</b></p> <p>11:36:49 21 MR. ROBERTSON: Objection to form.</p> <p>11:36:49 22 THE WITNESS: The expectation is they</p> <p>11:36:50 23 provide photos to give us every angle and thing</p> <p>11:36:53 24 that they're looking at.</p> <p>11:36:55 25 BY MR. GIVENS:</p> |

|   |   |
|---|---|
| <p>Page 114</p> <p>11:36:55 1 Q. Okay. I'm not asking you about</p> <p>11:36:56 2 expectations. I'm just asking you is it true that</p> <p>11:37:00 3 a person, an adjuster at the property, sees things</p> <p>11:37:03 4 from all the angles they can view and sees all</p> <p>11:37:06 5 aspects of things that they can see compared to you</p> <p>11:37:09 6 just looking at the photos they take?</p> <p>11:37:12 7 MR. ROBERTSON: Objection to form.</p> <p>11:37:14 8 THE WITNESS: I mean, I guess -- is it</p> <p>11:37:15 9 possible, yeah. I mean --</p> <p>11:37:18 10 BY MR. GIVENS:</p> <p>11:37:18 11 Q. Do you dispute that, that they see more</p> <p>11:37:21 12 than you do?</p> <p>11:37:22 13 A. Not always. I mean, depending -- again,</p> <p>11:37:24 14 yes, I don't dispute that walking through the house</p> <p>11:37:26 15 you're going to see all the undamaged areas.</p> <p>11:37:28 16 You're going to go in places that aren't affected</p> <p>11:37:31 17 by the claim. So, yes, you would see more than I</p> <p>11:37:33 18 would see from the photos.</p> <p>11:37:34 19 Q. Right. And you're going to look up and</p> <p>11:37:36 20 down and from different angles. You're not going</p> <p>11:37:38 21 to shoot every angle in a photograph that you</p> <p>11:37:42 22 see --</p> <p>11:37:43 23 MR. ROBERTSON: Objection to form.</p> <p>11:37:44 24 BY MR. GIVENS:</p> <p>11:37:44 25 Q. -- is that fair?</p>                                 | <p>Page 116</p> <p>11:39:30 1 picture.</p> <p>11:39:30 2 A. Right.</p> <p>11:39:30 3 Q. It looks like 125 pictures. I'm looking</p> <p>11:39:33 4 at page 115.</p> <p>11:39:45 5 A. I'm sorry. My numbers seem to have</p> <p>11:39:50 6 gotten all --</p> <p>11:39:55 7 Q. You're looking for page 115?</p> <p>11:40:03 8 A. It jumped into -- yeah, because we</p> <p>11:40:05 9 printed the pictures several times. So it's going</p> <p>11:40:10 10 to be right before there, yeah. That looks like,</p> <p>11:40:14 11 yeah, 125 pictures.</p> <p>11:40:16 12 Q. Okay. And without going through all of</p> <p>11:40:18 13 these, all of the areas where he photographs damage</p> <p>11:40:20 14 inside the house, you don't dispute any of that; is</p> <p>11:40:23 15 that right?</p> <p>11:40:25 16 A. I don't recall disputing any damages in</p> <p>11:40:26 17 the home, no.</p> <p>11:40:27 18 Q. Okay. The pictures where he says snow</p> <p>11:40:42 19 and ice damage occurred start at page 67 or page 15</p> <p>11:40:59 20 of his report.</p> <p>11:41:00 21 A. Okay.</p> <p>11:41:03 22 Q. That's the first one I noticed. It's</p> <p>11:41:05 23 picture 29, and he says, "Damage due to weight of</p> <p>11:41:09 24 ice"; correct?</p> <p>11:41:09 25 A. There are previous photos of the roof</p>                           |
| <p>Page 115</p> <p>11:37:44 1 A. To support damages you should be</p> <p>11:37:45 2 providing every single angle or to support no</p> <p>11:37:49 3 damages you should be able to give the angles to</p> <p>11:37:53 4 where the determination could be made.</p> <p>11:37:58 5 Q. So he found damage inside the house in</p> <p>11:38:05 6 the mechanical room, sitting room, entry hall.</p> <p>11:38:13 7 Those are all the areas he found; correct?</p> <p>11:38:15 8 A. Correct.</p> <p>11:38:15 9 Q. And his ultimate estimate was \$5,010.13?</p> <p>11:38:23 10 A. Correct.</p> <p>11:38:23 11 Q. He applied depreciation of \$849 and the</p> <p>11:38:28 12 \$2500 deductible with a net payment that he</p> <p>11:38:30 13 recommended CSAA make to the Godfreys of \$1,660.69;</p> <p>11:38:39 14 is that right?</p> <p>11:38:39 15 A. That's what his estimate shows, yes.</p> <p>11:38:40 16 Q. And then if they got the roof repaired</p> <p>11:38:43 17 and painted the house, they could get their \$849</p> <p>11:38:49 18 depreciation back?</p> <p>11:38:50 19 A. Based on his estimate, yes.</p> <p>11:38:56 20 Q. At page 53, these are where the pictures</p> <p>11:39:00 21 begin that Mr. White submitted. Do you know how</p> <p>11:39:03 22 many pictures he sent in?</p> <p>11:39:04 23 A. I do not know off the top of my head.</p> <p>11:39:08 24 Q. Looks like there's over a hundred</p> <p>11:39:26 25 pictures if we just go by the numbers on each</p> | <p>Page 117</p> <p>11:41:11 1 before that, but, yes, that's where he starts to</p> <p>11:41:13 2 say that was due to the weight of ice and snow,</p> <p>11:41:16 3 correct.</p> <p>11:41:16 4 Q. And the ones before that are of different</p> <p>11:41:18 5 parts of the roof; right?</p> <p>11:41:19 6 A. Yes.</p> <p>11:41:19 7 MR. ROBERTSON: You guys keep saying ice</p> <p>11:41:22 8 and snow, and I'm sitting here looking at it and it</p> <p>11:41:24 9 says ice. Both of you have said that, and maybe</p> <p>11:41:26 10 I'm wrong.</p> <p>11:41:28 11 MR. GIVENS: Well, his -- let's go back</p> <p>11:41:30 12 to his first page of his estimate.</p> <p>11:41:34 13 THE WITNESS: I think he's referring to</p> <p>11:41:35 14 the labeling of --</p> <p>11:41:36 15 MR. ROBERTSON: I'm just talking about --</p> <p>11:41:36 16 THE WITNESS: -- the photo itself.</p> <p>11:41:36 17 MR. ROBERTSON: I was just trying to make</p> <p>11:41:37 18 a clarification for this picture.</p> <p>11:41:39 19 MR. GIVENS: Yeah. Page 43 is the first</p> <p>11:41:41 20 page of his estimate, and it says, "Weight of ice</p> <p>11:41:44 21 and snow."</p> <p>11:41:45 22 MR. ROBERTSON: Okay.</p> <p>11:41:46 23 BY MR. GIVENS:</p> <p>11:41:46 24 Q. Is that correct, sir?</p> <p>11:41:46 25 A. That's what he listed, yes, sir. That</p> |

Mark Costello

12/13/2019

31 (118 - 121)

|   |  |
|---|--|
| <p>Page 118</p> <p>11:41:49 1 was what was provided based on the intake of the</p> <p>11:41:52 2 claim.</p> <p>11:41:54 3 <b>Q. Just to make sure this isn't an issue, do</b></p> <p>11:41:57 4 <b>you recall there was ice and snow at that time?</b></p> <p>11:41:59 5 A. Yes, sir.</p> <p>11:42:03 6 <b>Q. So let's just take the first picture,</b></p> <p>11:42:06 7 <b>picture 29.</b></p> <p>11:42:10 8 A. Yes, sir.</p> <p>11:42:10 9 <b>Q. Can you explain to us why that picture</b></p> <p>11:42:12 10 <b>does not show damage due to weight of ice or</b></p> <p>11:42:13 11 <b>snow --</b></p> <p>11:42:13 12 A. Sure.</p> <p>11:42:14 13 <b>Q. -- or both?</b></p> <p>11:42:14 14 A. It shows a lot of waves. The level of</p> <p>11:42:17 15 deterioration in the areas that are lower shows</p> <p>11:42:20 16 that it's happened over time. That was not</p> <p>11:42:23 17 changing the color, the levels, based on this</p> <p>11:42:29 18 event. That's --</p> <p>11:42:31 19 <b>Q. Do you know if --</b></p> <p>11:42:32 20 A. That is indicative of that happening</p> <p>11:42:33 21 multiple, multiple times and filling and refilling</p> <p>11:42:37 22 with water to deteriorate to that level.</p> <p>11:42:40 23 <b>Q. Do you know if it was wet or dry when it</b></p> <p>11:42:42 24 <b>was photographed?</b></p> <p>11:42:45 25 A. General safety guidelines call for it to</p>   | <p>Page 120</p> <p>11:43:44 1 well in the lower left-hand corner.</p> <p>11:43:45 2 <b>Q. Do you know if that's where the water's</b></p> <p>11:43:48 3 <b>getting in or is the water getting in around the</b></p> <p>11:43:51 4 <b>edges where it pulled up?</b></p> <p>11:43:53 5 A. If I recall correctly, most of it came in</p> <p>11:43:56 6 through the edges, but there were spots I think</p> <p>11:43:58 7 that he estimated from the ceiling that water was</p> <p>11:44:00 8 coming in through. You have a closer view of that</p> <p>11:44:02 9 deterioration on photo 34.</p> <p>11:44:04 10 <b>Q. So if -- strike that.</b></p> <p>11:44:07 11 <b>Are you saying that if you have a spot on</b></p> <p>11:44:09 12 <b>your roof inside your house, that automatically</b></p> <p>11:44:11 13 <b>means it's from deterioration right above it?</b></p> <p>11:44:14 14 A. Not always.</p> <p>11:44:15 15 MR. ROBERTSON: Object to form.</p> <p>11:44:16 16 BY MR. GIVENS:</p> <p>11:44:16 17 <b>Q. Because water can travel; right?</b></p> <p>11:44:18 18 A. It can travel, yes.</p> <p>11:44:20 19 <b>Q. Okay. Picture 35 on page 70, why doesn't</b></p> <p>11:44:25 20 <b>that show roof material pulled up from ice or snow?</b></p> <p>11:44:30 21 A. It shows roof material pulled up. Based</p> <p>11:44:34 22 on the level of deterioration around it, it</p> <p>11:44:36 23 supports that it's happened over time, not from the</p> <p>11:44:39 24 weight of ice and snow from the event that this was</p> <p>11:44:41 25 reported from.</p> |
| <p>Page 119</p> <p>11:42:48 1 be moderately dry before you do an inspection, so I</p> <p>11:42:52 2 would make the assumption outside of the ponding --</p> <p>11:42:52 3 standing ponding areas that appear in later photos,</p> <p>11:42:53 4 that most of the roof was dry or they wouldn't have</p> <p>11:42:57 5 accessed it.</p> <p>11:42:58 6 <b>Q. It says that the pictures were taken</b></p> <p>11:43:00 7 <b>February 27th of 2018; is that right?</b></p> <p>11:43:03 8 A. Yes.</p> <p>11:43:03 9 <b>Q. So five days after the event?</b></p> <p>11:43:05 10 A. Um-hmm.</p> <p>11:43:05 11 <b>Q. Or the loss was reported?</b></p> <p>11:43:07 12 A. Correct.</p> <p>11:43:11 13 <b>Q. And can you tell if he's up on the roof</b></p> <p>11:43:13 14 <b>or is he shooting it from a ladder at the edge of</b></p> <p>11:43:16 15 <b>the roof?</b></p> <p>11:43:17 16 A. That appears to be taken from on the</p> <p>11:43:20 17 roof.</p> <p>11:43:20 18 <b>Q. So would your answers be the same for the</b></p> <p>11:43:23 19 <b>next several pictures that still show that same</b></p> <p>11:43:25 20 <b>area?</b></p> <p>11:43:26 21 A. I would say yes.</p> <p>11:43:33 22 <b>Q. What about picture 33? Anything in that</b></p> <p>11:43:35 23 <b>picture show damage due to ice or snow?</b></p> <p>11:43:38 24 A. No. It does show a lot of deterioration</p> <p>11:43:44 25 along the seam consistent with wear and tear as</p> | <p>Page 121</p> <p>11:44:42 1 <b>Q. What are you specifically referring to?</b></p> <p>11:44:44 2 A. The discoloration of the ponding -- or</p> <p>11:44:46 3 the lower area behind it being different colors</p> <p>11:44:51 4 throughout are indicative of that happening over</p> <p>11:44:55 5 multiple times.</p> <p>11:44:57 6 <b>Q. We talked about authoritative</b></p> <p>11:45:00 7 <b>publications. Do you have any that you can refer</b></p> <p>11:45:02 8 <b>me to that says that?</b></p> <p>11:45:04 9 A. That --</p> <p>11:45:07 10 <b>Q. The different colors --</b></p> <p>11:45:08 11 A. That the water deterioration doesn't --</p> <p>11:45:09 12 that takes place over time?</p> <p>11:45:11 13 <b>Q. What you're saying shows in this</b></p> <p>11:45:13 14 <b>photograph that shows deterioration and long-term</b></p> <p>11:45:16 15 <b>ponding due to colors, if I understood your answer</b></p> <p>11:45:19 16 <b>right.</b></p> <p>11:45:20 17 A. Well, I pointed out the colors because it</p> <p>11:45:21 18 shows different levels of deterioration which</p> <p>11:45:23 19 wouldn't have happened with a one-time event.</p> <p>11:45:25 20 <b>Q. And my question is simply do you know of</b></p> <p>11:45:27 21 <b>an authoritative publication we could go look at</b></p> <p>11:45:30 22 <b>that says that?</b></p> <p>11:45:31 23 A. I -- I don't know of one that we could go</p> <p>11:45:33 24 look at outside of on-the-job training and</p> <p>11:45:36 25 learning.</p>   |

**Professional Reporters**

800.376.1006

www.prreporters.com



Mark Costello

12/13/2019

32 (122 - 125)

|   |  |
|---|--|
| <p>Page 122</p> <p>11:45:38 1 Q. Is your answer the same for the next</p> <p>11:45:41 2 photos which show different parts of the edge of</p> <p>11:45:43 3 the roof?</p> <p>11:45:44 4 A. Actually, on -- if you'll notice on</p> <p>11:45:46 5 photo 38 and 37 you can see where it appears that</p> <p>11:45:49 6 previous resealing has been done on those areas.</p> <p>11:45:53 7 Q. And how do you know it's resealing and</p> <p>11:45:57 8 not just sealant that was used when it was put</p> <p>11:46:00 9 down?</p> <p>11:46:00 10 A. It appears that during the construction</p> <p>11:46:02 11 you would have painted over that. You would have</p> <p>11:46:05 12 not installed it over that edge and had your --</p> <p>11:46:08 13 your seal drip over that way. Just the -- to me,</p> <p>11:46:12 14 when I look at that, I see different strokes,</p> <p>11:46:15 15 different areas. It's not consistent all the way</p> <p>11:46:17 16 across, which would have been consistent with the</p> <p>11:46:20 17 application.</p> <p>11:46:22 18 Q. Can you be more specific as to you're</p> <p>11:46:24 19 saying different strokes?</p> <p>11:46:25 20 A. Sure. You can see larger areas. You see</p> <p>11:46:28 21 areas that it's in spots, and you see areas where</p> <p>11:46:30 22 it's not really present, which would give the</p> <p>11:46:32 23 indication that that wasn't all done at one time.</p> <p>11:46:34 24 Q. Are you talking about the sealant, the</p> <p>11:46:36 25 gray stuff on the red paint?</p> | <p>Page 124</p> <p>11:47:55 1 A. Again, it gives the appearance of there's</p> <p>11:47:58 2 been -- the changing color of seal between the edge</p> <p>11:48:01 3 and about six inches back gives the appearance that</p> <p>11:48:05 4 it has had previous repairs in those. You can see</p> <p>11:48:09 5 the waves and ripples throughout, which are again</p> <p>11:48:12 6 indicative of something happening over time, not</p> <p>11:48:14 7 from a one-time short event.</p> <p>11:48:17 8 MR. ROBERTSON: Keith, can you tell me</p> <p>11:48:18 9 what page you're on? I'm sorry, my --</p> <p>11:48:21 10 MR. GIVENS: 73 --</p> <p>11:48:23 11 MR. ROBERTSON: Thank you.</p> <p>11:48:23 12 MR. GIVENS: -- Bates number.</p> <p>11:48:30 13 BY MR. GIVENS:</p> <p>11:48:30 14 Q. So if a previous repair was done and the</p> <p>11:48:34 15 weight of the ice and snow pull it away, isn't that</p> <p>11:48:37 16 covered?</p> <p>11:48:39 17 MR. ROBERTSON: Objection to form.</p> <p>11:48:41 18 THE WITNESS: I would say you would have</p> <p>11:48:42 19 to, again, demonstrate that the weight of ice and</p> <p>11:48:46 20 snow did that, not that it's -- I mean, you can see</p> <p>11:48:48 21 the waves that match the edge pull-away. You go</p> <p>11:48:52 22 back, especially in the photo 41, in the large gap</p> <p>11:48:55 23 you see and you can see it again in photo 42, those</p> <p>11:48:58 24 waves are deep, and the ridges are deep, and it</p> <p>11:49:03 25 travels quite a distance to have happened for a</p> |
| <p>Page 123</p> <p>11:46:39 1 A. The black on the edge there, yeah.</p> <p>11:46:41 2 Q. You're saying those colors of gray or</p> <p>11:46:44 3 black, whatever you want to call it, aren't</p> <p>11:46:46 4 similar?</p> <p>11:46:47 5 A. No, I'm saying they're not consistent.</p> <p>11:46:49 6 Q. In what way?</p> <p>11:46:49 7 A. Like if you look at the lower right-hand</p> <p>11:46:53 8 corner on photo 38 you can see gaps where they</p> <p>11:46:55 9 don't exist. You also will notice they tend to</p> <p>11:46:58 10 appear to already be in the areas where it's</p> <p>11:47:01 11 pulling back, so that would give the impression</p> <p>11:47:03 12 that someone had attempted a previous repair in</p> <p>11:47:07 13 that area.</p> <p>11:47:14 14 Q. And the fact that it's on the paint, you</p> <p>11:47:17 15 think that means it was done after versus --</p> <p>11:47:22 16 A. It's indicative of that, yes.</p> <p>11:47:25 17 Q. And what would lead you to that if the</p> <p>11:47:27 18 crew puts the roof on originally and leaves it like</p> <p>11:47:31 19 that versus patches that leaves it like that?</p> <p>11:47:31 20 Isn't it just messy work either way?</p> <p>11:47:35 21 A. I mean, I -- if I'm a homeowner, I</p> <p>11:47:36 22 wouldn't accept that as part of a roof put-down.</p> <p>11:47:44 23 Q. Turn the page, please. What's shown on</p> <p>11:47:47 24 page 21 of his report, which is Bates No. 73, what</p> <p>11:47:53 25 makes that not snow and ice damage?</p>            | <p>Page 125</p> <p>11:49:07 1 one-time, small event. So that is more indicative</p> <p>11:49:12 2 of wear and tear over time, presence of water over</p> <p>11:49:14 3 time, poor drainage over time than it is of the</p> <p>11:49:18 4 weight of ice and snow causing that.</p> <p>11:49:21 5 BY MR. GIVENS:</p> <p>11:49:21 6 Q. Isn't all of what you just said</p> <p>11:49:23 7 inconsistent with all the leaks starting at that</p> <p>11:49:25 8 time, though --</p> <p>11:49:25 9 A. No, sir.</p> <p>11:49:26 10 Q. -- when that ice and snow was there?</p> <p>11:49:27 11 A. No, sir.</p> <p>11:49:28 12 Q. Why not?</p> <p>11:49:29 13 A. Because the leaks would have started</p> <p>11:49:30 14 because the ice and snow was melting there. That</p> <p>11:49:32 15 had nothing to do with pulling it away. That's --</p> <p>11:49:36 16 we admit that's how the water got there and</p> <p>11:49:39 17 entered. Nobody disputed that.</p> <p>11:49:41 18 Q. But looking at these pictures, rain would</p> <p>11:49:43 19 clearly go into those areas if it's raining;</p> <p>11:49:45 20 correct?</p> <p>11:49:45 21 A. If that seal had given out and the rain</p> <p>11:49:48 22 came in the right direction, it could potentially</p> <p>11:49:51 23 do that, yes.</p> <p>11:49:52 24 Q. Well, any decent rain is going to pour</p> <p>11:49:58 25 over that edge; correct?</p>  |

**Professional Reporters**

800.376.1006

www.prreporters.com

Mark Costello

12/13/2019

33 (126 - 129)

|   |   |
|---|---|
| <p>Page 126</p> <p>11:50:00 1 A. I mean, again, depending on how long it</p> <p>11:50:00 2 had a decent rain before the edge gave way.</p> <p>11:50:04 3 <b>Q. Well, in -- from April 2017 to February</b></p> <p>11:50:05 4 <b>of 2018 wouldn't you think there had been a lot of</b></p> <p>11:50:09 5 <b>rains during that time that would have gone in that</b></p> <p>11:50:12 6 <b>area?</b></p> <p>11:50:13 7 A. I would say from April of 2017, from the</p> <p>11:50:15 8 photos I reviewed, that hadn't separated, so at</p> <p>11:50:18 9 some point when it separated, if there was rain</p> <p>11:50:20 10 after that, then, yes, it could potentially have</p> <p>11:50:23 11 gone in that area. However, the ice freezing on</p> <p>11:50:26 12 the edges is what caused it. It actually created</p> <p>11:50:29 13 the presence of the water that entered the home.</p> <p>11:50:31 14 Saying that that came from that isn't -- is</p> <p>11:50:34 15 supported when I look at the overall photos.</p> <p>11:50:36 16 <b>Q. So if there are photographs that show in</b></p> <p>11:50:38 17 <b>April of 2- -- or May of 2017 that these seams</b></p> <p>11:50:41 18 <b>didn't exist, your position is that suddenly the</b></p> <p>11:50:45 19 <b>roof became in poor condition in that eight-month</b></p> <p>11:50:50 20 <b>period before this snow and ice storm?</b></p> <p>11:50:53 21 MR. ROBERTSON: Objection to form.</p> <p>11:50:54 22 BY MR. GIVENS:</p> <p>11:50:54 23 <b>Q. Is that correct?</b></p> <p>11:50:55 24 A. My position is I did not see the edges</p> <p>11:50:57 25 pulled away in the photos that I looked at. Over</p> | <p>Page 128</p> <p>11:51:56 1 amount of time it would take.</p> <p>11:51:58 2 BY MR. GIVENS:</p> <p>11:51:58 3 <b>Q. Well, do you agree it would take a lot</b></p> <p>11:52:00 4 <b>longer than eight months?</b></p> <p>11:52:01 5 A. I --</p> <p>11:52:02 6 MR. ROBERTSON: Objection to form.</p> <p>11:52:03 7 THE WITNESS: I don't have the photos to</p> <p>11:52:04 8 tell you exactly the condition. I was able to</p> <p>11:52:06 9 ascertain from a brief review that the edges hadn't</p> <p>11:52:10 10 separated in the wind claim. I didn't have the</p> <p>11:52:11 11 same amount of photos to look at to say -- again,</p> <p>11:52:16 12 to determine the exact date that this would have</p> <p>11:52:19 13 separated over time based on this.</p> <p>11:52:24 14 BY MR. GIVENS:</p> <p>11:52:24 15 <b>Q. Okay. I'm not understanding your answer.</b></p> <p>11:52:26 16 <b>If we start at page 67 and we go to where we are on</b></p> <p>11:52:30 17 <b>page 73 --</b></p> <p>11:52:31 18 A. Correct.</p> <p>11:52:32 19 <b>Q. -- you've talked a lot about a lot of</b></p> <p>11:52:35 20 <b>long-term deterioration and --</b></p> <p>11:52:37 21 A. Yes.</p> <p>11:52:37 22 <b>Q. -- wear and tear. Are you saying under</b></p> <p>11:52:39 23 <b>oath that that could happen in eight months --</b></p> <p>11:52:42 24 MR. ROBERTSON: Objection to form.</p> <p>11:52:42 25 BY MR. GIVENS:</p>        |
| <p>Page 127</p> <p>11:51:01 1 time the continuous deterioration of the roof</p> <p>11:51:03 2 caused the edges to pull away. The water came in</p> <p>11:51:07 3 because after the edges pulled away, there was the</p> <p>11:51:09 4 presence of water from the ice and snow, and it was</p> <p>11:51:11 5 the first potential time. I don't have a photo</p> <p>11:51:13 6 from every day showing me this, but I can tell from</p> <p>11:51:16 7 looking at it that it was over time.</p> <p>11:51:18 8 <b>Q. Well, the only known event to happen</b></p> <p>11:51:21 9 <b>after April of 2017 affecting this roof was the ice</b></p> <p>11:51:25 10 <b>and snow storm; correct?</b></p> <p>11:51:27 11 MR. ROBERTSON: Objection to form.</p> <p>11:51:27 12 BY MR. GIVENS:</p> <p>11:51:27 13 <b>Q. The only one that you know of.</b></p> <p>11:51:29 14 A. The only claim they filed, correct.</p> <p>11:51:31 15 <b>Q. No, the only event that we know of that</b></p> <p>11:51:34 16 <b>is discussed anywhere in this claim between those</b></p> <p>11:51:36 17 <b>two times is the snow and ice event; right?</b></p> <p>11:51:38 18 A. That was the claim they filed, correct,</p> <p>11:51:44 19 yes.</p> <p>11:51:45 20 <b>Q. And all of the issues that you're talking</b></p> <p>11:51:48 21 <b>about, deterioration, waves, things like that,</b></p> <p>11:51:51 22 <b>those would not develop in eight months, would</b></p> <p>11:51:53 23 <b>they?</b></p> <p>11:51:54 24 MR. ROBERTSON: Objection to form.</p> <p>11:51:55 25 THE WITNESS: I can't determine the exact</p>  | <p>Page 129</p> <p>11:52:42 1 <b>Q. -- what you're pointing to in these</b></p> <p>11:52:44 2 <b>pictures?</b></p> <p>11:52:44 3 A. What I'm pointing to is the deterioration</p> <p>11:52:46 4 present in these photos takes place over time.</p> <p>11:52:48 5 <b>Q. My question is can it take place in just</b></p> <p>11:52:51 6 <b>eight months?</b></p> <p>11:52:52 7 MR. ROBERTSON: Objection to form.</p> <p>11:52:53 8 THE WITNESS: I guess depending on the</p> <p>11:52:54 9 rain season, depending on the drainage of the roof</p> <p>11:52:58 10 it could, but it --</p> <p>11:52:59 11 BY MR. GIVENS:</p> <p>11:52:59 12 <b>Q. Is it likely?</b></p> <p>11:53:01 13 A. -- also -- it wasn't a pristine roof</p> <p>11:53:03 14 eight months prior. It was a roof that was</p> <p>11:53:05 15 multiple years old, had started in this process.</p> <p>11:53:09 16 If this was a new roof eight months ago, it</p> <p>11:53:12 17 would -- I could answer your question. This was</p> <p>11:53:14 18 not a new roof eight months before this loss.</p> <p>11:53:16 19 <b>Q. Is it likely it happened in that eight</b></p> <p>11:53:18 20 <b>months?</b></p> <p>11:53:20 21 A. Is it likely the deterioration completely</p> <p>11:53:22 22 started?</p> <p>11:53:23 23 <b>Q. Is it likely it went from --</b></p> <p>11:53:26 24 A. Not pulled away from the edge to pulled</p> <p>11:53:28 25 away? There's --</p> |

**Professional Reporters**

800.376.1006

www.proreporters.com

|   |   |
|---|---|
| <p>11:53:29 1 Q. Let me ask my question.</p> <p>11:53:31 2 A. Sorry.</p> <p>11:53:31 3 Q. Is it likely that what you've pointed to</p> <p>11:53:34 4 as long-term deterioration and being in poor shape</p> <p>11:53:39 5 from wear and tear likely to have occurred in eight</p> <p>11:53:41 6 months?</p> <p>11:53:44 7 MR. ROBERTSON: Objection to form.</p> <p>11:53:45 8 THE WITNESS: Again, I would have to</p> <p>11:53:46 9 say -- because if the roof was brand-new eight</p> <p>11:53:49 10 months prior, I could answer that question. This</p> <p>11:53:52 11 roof is obviously, at minimum, six to seven years</p> <p>11:53:56 12 old based on the estimates, so I can't speak to</p> <p>11:53:59 13 exactly what took place when, but based on what we</p> <p>11:54:03 14 have here, it looks like this was a long-term event</p> <p>11:54:06 15 given all of the supporting evidence.</p> <p>11:54:14 16 BY MR. GIVENS:</p> <p>11:54:14 17 Q. Let's turn to page 76. What makes</p> <p>11:54:18 18 page -- or picture 47 not damage from ice and snow?</p> <p>11:54:28 19 A. Again, with the close-up I'm going to say</p> <p>11:54:31 20 kind of the same things. You see previous seal</p> <p>11:54:33 21 there at the corner. I don't know if that's new or</p> <p>11:54:35 22 old. It's a different color. It's not as</p> <p>11:54:38 23 deteriorated as other parts of the roof.</p> <p>11:54:41 24 Q. Well, there's no seal on the part that's</p> <p>11:54:43 25 lifting up, is there?</p> | <p>Page 130</p> <p>11:55:36 1 photo. It was made based on looking at the roof as</p> <p>11:55:39 2 a whole.</p> <p>11:55:40 3 Q. Can you answer my question?</p> <p>11:55:41 4 A. Based -- I could not give you an answer</p> <p>11:55:43 5 based off one photo, so I cannot answer that</p> <p>11:55:46 6 question.</p> <p>11:55:46 7 Q. Well, this one space could be responsible</p> <p>11:55:49 8 for a significant amount of water in the house.</p> <p>11:55:52 9 A. And we allowed --</p> <p>11:55:52 10 MR. ROBERTSON: Objection to form.</p> <p>11:55:53 11 THE WITNESS: And we allowed to cover the</p> <p>11:55:55 12 water in the home.</p> <p>11:55:56 13 BY MR. GIVENS:</p> <p>11:55:56 14 Q. But you're saying this isn't from ice and</p> <p>11:55:58 15 snow. So my question is what's missing that would</p> <p>11:56:01 16 convince you it is ice and snow in this photo?</p> <p>11:56:03 17 A. I cannot make that determination based on</p> <p>11:56:05 18 one small, close-up photo. I based my</p> <p>11:56:08 19 determination on the overall view of the roof.</p> <p>11:56:24 20 Q. Would you turn to page 83, please -- or</p> <p>11:56:27 21 82. It's page 30 of the report, and Mr. White says</p> <p>11:56:34 22 on picture 60, "Area of ice damming." Is he</p> <p>11:56:40 23 correct?</p> <p>11:56:42 24 A. I would say he -- I mean, he's incorrect.</p> <p>11:56:44 25 There is no ice dam there.</p>      |
| <p>11:54:45 1 A. There is seal at the edge there by the</p> <p>11:54:46 2 seam.</p> <p>11:54:47 3 Q. But not on the part that lifted up?</p> <p>11:54:52 4 A. I mean, I can't -- from that angle I</p> <p>11:54:54 5 can't really -- can't really tell.</p> <p>11:54:56 6 Q. Well, there's no stuff bleeding over onto</p> <p>11:54:57 7 the red paint and all that like you mentioned</p> <p>11:55:00 8 earlier --</p> <p>11:55:00 9 A. But there is seal --</p> <p>11:55:02 10 Q. -- right?</p> <p>11:55:02 11 A. -- at the end of the seam and seal along</p> <p>11:55:04 12 the other portions of that to the right-hand side</p> <p>11:55:06 13 of the photo.</p> <p>11:55:07 14 Q. I'm just asking you about the part that's</p> <p>11:55:09 15 raised up a significant distance.</p> <p>11:55:12 16 A. I would say the significant distance</p> <p>11:55:14 17 is -- again, there is seal at the end of that, and</p> <p>11:55:16 18 also there doesn't really have anything that</p> <p>11:55:19 19 indicates that that came from the weight of ice and</p> <p>11:55:21 20 snow. I mean, you're looking --</p> <p>11:55:23 21 Q. Well, what would prove it to you? This</p> <p>11:55:25 22 picture right here, what would prove to you that</p> <p>11:55:28 23 this was ice and snow? What's missing I guess is</p> <p>11:55:32 24 my question?</p> <p>11:55:33 25 A. My determination wasn't made based on one</p>   | <p>Page 131</p> <p>11:56:46 1 Q. Well, he's not saying current ice</p> <p>11:56:49 2 damming. Isn't it fair that he's saying there was</p> <p>11:56:52 3 ice damming there?</p> <p>11:56:54 4 A. I mean, he is saying that it was an edge</p> <p>11:56:56 5 that could have had ice damming there, yes.</p> <p>11:56:59 6 There's no ice damming in the photo.</p> <p>11:57:03 7 Q. Okay. Isn't this picture meant to</p> <p>11:57:04 8 represent an area where he thinks ice damming</p> <p>11:57:08 9 occurred? Isn't that how you would normally</p> <p>11:57:11 10 interpret it?</p> <p>11:57:12 11 A. I mean, yeah, it could be interpreted</p> <p>11:57:14 12 that way.</p> <p>11:57:15 13 Q. Well, how else would it be interpreted?</p> <p>11:57:15 14 A. I mean, it says, "Area of ice damming."</p> <p>11:57:17 15 They're no ice dam there, so he's telling me that's</p> <p>11:57:19 16 where he felt the ice dam was. I -- okay.</p> <p>11:57:21 17 Q. That's all I was asking.</p> <p>11:57:23 18 A. Yeah.</p> <p>11:57:24 19 Q. So is there anything about that that</p> <p>11:57:26 20 proves he's wrong?</p> <p>11:57:33 21 A. I mean, is he -- he's not saying there's</p> <p>11:57:37 22 damage from the ice damming there. He's saying</p> <p>11:57:41 23 that's where the ice damming was. He just said,</p> <p>11:57:44 24 "Area of ice damming." There's no damages noted</p> <p>11:57:45 25 from the ice damming.</p> |
|   | <p>Page 132</p>   |

Mark Costello

12/13/2019

35 (134 - 137)

|  |   |
|--|---|
| <p>11:57:47 1 Q. It says that's at an area where the flat<br/> 11:57:48 2 roof is above the entry hall; right?<br/> 11:57:50 3 A. So the ice dam would have been<br/> 11:57:51 4 responsible for the water coming in, which is<br/> 11:57:53 5 the -- what we covered on the claim.<br/> 11:57:54 6 Q. My question is is he saying these<br/> 11:57:56 7 pictures that show the ice damming where it<br/> 11:57:59 8 happened, in his opinion, is in the area above the<br/> 11:58:03 9 entry hall where the flat roof is? That's what it<br/> 11:58:07 10 says on --<br/> 11:58:07 11 A. That's what it says.<br/> 11:58:07 12 Q. -- the photos.<br/> 11:58:08 13 A. Yes, yes.<br/> 11:58:10 14 Q. And part of his estimate is for damage in<br/> 11:58:12 15 those areas; right?<br/> 11:58:13 16 A. Yes, sir.<br/> 11:58:13 17 Q. And you didn't rule that out. You paid<br/> 11:58:16 18 for that damage.<br/> 11:58:17 19 A. Yes, sir.<br/> 11:58:17 20 Q. You've said that.<br/> 11:58:18 21 A. Yes, sir.<br/> 11:58:33 22 Q. It seems like an obvious question, but<br/> 11:58:36 23 should an insurance adjuster and company for which<br/> 11:58:40 24 they work always be 100 percent honest with their<br/> 11:58:43 25 insureds?</p>             | <p>Page 134</p> <p>11:59:41 1 MR. ROBERTSON: Objection to form.<br/> 11:59:42 2 THE WITNESS: My definition would be<br/> 11:59:43 3 being unreasonable, not doing a thorough<br/> 11:59:47 4 investigation, not being fair and unbiased.<br/> 11:59:50 5 BY MR. GIVENS:<br/> 11:59:50 6 Q. And we could add to that being dishonest?<br/> 11:59:54 7 A. I think dishonest would fall under not<br/> 11:59:57 8 being fair, but sure.<br/> 12:00:02 9 Q. Would you turn to page 489.<br/> 12:00:05 10 MR. ROBERTSON: Bates 489?<br/> 12:00:08 11 MR. GIVENS: Bates 489, please.<br/> 12:00:24 12 MR. ROBERTSON: Give me just a second.<br/> 12:00:26 13 BY MR. GIVENS:<br/> 12:00:26 14 Q. Do you see it's a letter dated March 13,<br/> 12:00:29 15 2018 written by Sayde Brooks?<br/> 12:00:33 16 A. Yes, sir, I do.<br/> 12:00:33 17 Q. Under "Results of Our Investigation" that<br/> 12:00:36 18 paragraph says, "In investigating the cause of<br/> 12:00:38 19 damage, we contacted independent adjuster<br/> 12:00:42 20 Michael White with U.S. Adjusting to assess the<br/> 12:00:45 21 damage to your property," and this letter is<br/> 12:00:47 22 written to Russ Godfrey; right?<br/> 12:00:49 23 A. Correct.<br/> 12:00:49 24 Q. "After conducting an inspection, a report<br/> 12:00:51 25 was prepared which includes detailed findings of</p>   |
| <p>11:58:44 1 MR. ROBERTSON: Objection, form.<br/> 11:58:47 2 THE WITNESS: I mean, I would say yes<br/> 11:58:50 3 with the clarification that he is not an adjuster<br/> 11:58:53 4 of AAA's. He didn't have the authority to really<br/> 11:58:57 5 have discussions other than inspect.<br/> 11:59:00 6 BY MR. GIVENS:<br/> 11:59:00 7 Q. I'm not referring to Michael White.<br/> 11:59:02 8 A. Okay.<br/> 11:59:02 9 Q. My question is is it true that an<br/> 11:59:04 10 adjuster and CSAA should always be truthful with<br/> 11:59:09 11 their insured?<br/> 11:59:12 12 MR. ROBERTSON: Objection to form.<br/> 11:59:12 13 THE WITNESS: Yes.<br/> 11:59:19 14 BY MR. GIVENS:<br/> 11:59:19 15 Q. Could you turn to -- well, as I'm finding<br/> 11:59:22 16 this -- strike that.<br/> 11:59:24 17 Would it be bad faith in your opinion not<br/> 11:59:26 18 to be honest with an insured?<br/> 11:59:29 19 MR. ROBERTSON: Objection, form.<br/> 11:59:30 20 THE WITNESS: I would say as a general<br/> 11:59:31 21 statement, being dishonest with your insured would<br/> 11:59:37 22 be considered bad faith.<br/> 11:59:39 23 BY MR. GIVENS:<br/> 11:59:39 24 Q. And what is your definition of bad faith<br/> 11:59:40 25 that you go by?</p> | <p>Page 135</p> <p>12:00:55 1 the inspection and a determination the damage was<br/> 12:00:57 2 caused by wear and tear to your roof which allowed<br/> 12:01:00 3 water to enter your home." Is that true?<br/> 12:01:04 4 A. It is true.<br/> 12:01:05 5 Q. How is it true? Mr. White never wrote<br/> 12:01:07 6 that it was wear and tear, did he?<br/> 12:01:08 7 A. We said we inves- -- we hired him to<br/> 12:01:10 8 investigate the cause. We investigated. "After<br/> 12:01:13 9 conducting an inspection, a report was prepared<br/> 12:01:14 10 that includes detailed findings of the<br/> 12:01:14 11 inspection" -- sorry, I'll slow down.<br/> 12:01:14 12 THE REPORTER: That's okay. Thank you.<br/> 12:01:14 13 THE WITNESS: Apologize.<br/> 12:01:14 14 "And a determination the damage was<br/> 12:01:22 15 caused by wear and tear to your roof which allowed<br/> 12:01:24 16 water to enter." I actually, along with Sayde<br/> 12:01:27 17 Brooks, as part of that thorough investigation, did<br/> 12:01:30 18 that. Mr. White did not have the authority to<br/> 12:01:33 19 apply coverage or not apply coverage to the<br/> 12:01:36 20 claim.<br/> 12:01:36 21 BY MR. GIVENS:<br/> 12:01:37 22 Q. Okay. Let's narrow our focus to what<br/> 12:01:42 23 this letter says. It says that Michael White with<br/> 12:01:44 24 U.S. Adjusting was hired to assess the damage to<br/> 12:01:48 25 the Godfreys' property, and then it says</p> |

Professional Reporters

800.376.1006

www.proreporters.com

|   |  |
|---|--|
| <p>12:01:50 1 specifically, "After conducting an inspection, a<br/> 12:01:52 2 report was prepared which includes detailed<br/> 12:01:55 3 findings of the inspection." That refers to<br/> 12:01:58 4 Mr. White; correct?<br/> 12:01:59 5 A. Actually, if I'm reading this -- from an<br/> 12:02:03 6 English standpoint those are separate, stand-alone<br/> 12:02:06 7 sentences. The sentence ends at "We contacted<br/> 12:02:09 8 independent adjuster Michael White of<br/> 12:02:11 9 U.S. Adjusting to assess the damage to your<br/> 12:02:14 10 property, period. After conducting an inspection,<br/> 12:02:16 11 a report was prepared which includes detailed<br/> 12:02:19 12 findings of the inspection and a determination that<br/> 12:02:21 13 the damage was caused by wear and tear." That's --<br/> 12:02:25 14 Q. CSAA --<br/> 12:02:26 15 A. That's of the overall investigation.<br/> 12:02:27 16 Q. CSAA never inspected the house; correct?<br/> 12:02:30 17 MR. ROBERTSON: Objection to form.<br/> 12:02:32 18 THE WITNESS: We reviewed the findings.<br/> 12:02:33 19 BY MR. GIVENS:<br/> 12:02:33 20 Q. Okay.<br/> 12:02:33 21 A. We inspected the photos, we reviewed the<br/> 12:02:36 22 photos in scope.<br/> 12:02:36 23 Q. The sentence says, "After conducting an<br/> 12:02:39 24 inspection, a report was prepared." Are you<br/> 12:02:41 25 seriously saying that's not supposed to be</p> | <p>Page 138</p> <p>12:03:57 1 say?<br/> 12:03:57 2 A. His was above the deductible, but it was<br/> 12:04:00 3 not the final estimate.<br/> 12:04:02 4 Q. Okay. "Based on this estimate, the<br/> 12:04:06 5 independent adjuster found the damages to be less<br/> 12:04:08 6 than (sic) \$2,500 deductible." How is that not an<br/> 12:04:11 7 untrue statement?<br/> 12:04:12 8 A. I would say it was probably more of a<br/> 12:04:15 9 mistake than an untrue statement.<br/> 12:04:17 10 Q. Okay. And that's just your<br/> 12:04:18 11 characterization of it; right?<br/> 12:04:19 12 A. Well --<br/> 12:04:21 13 MR. ROBERTSON: Objection to form.<br/> 12:04:21 14 THE WITNESS: The final estimate found<br/> 12:04:24 15 that it was below the deductible.<br/> 12:04:27 16 BY MR. GIVENS:<br/> 12:04:27 17 Q. That's very different than saying<br/> 12:04:28 18 Mr. White's estimate found that; right?<br/> 12:04:30 19 MR. ROBERTSON: Objection to form.<br/> 12:04:30 20 THE WITNESS: I think if you wanted to<br/> 12:04:32 21 extrapolate, the damages that we approved from his<br/> 12:04:35 22 estimate were below the deductible. The damages we<br/> 12:04:38 23 removed from his estimate would have had it above<br/> 12:04:41 24 the deductible. We didn't rewrite the estimate<br/> 12:04:44 25 from scratch. We did use his estimate. We just</p> |
| <p>12:02:44 1 Mr. White who prepared the report?<br/> 12:02:45 2 A. He prepared a report. It was part of our<br/> 12:02:47 3 investigation.<br/> 12:02:48 4 Q. Okay. And his report, would you agree,<br/> 12:02:50 5 says nothing about damage being caused by wear and<br/> 12:02:53 6 tear?<br/> 12:02:54 7 A. I would agree his report does not say<br/> 12:02:56 8 that --<br/> 12:02:57 9 Q. Okay.<br/> 12:02:57 10 A. -- but my report does.<br/> 12:03:03 11 Q. Your report wasn't based on any<br/> 12:03:05 12 inspection you did; correct?<br/> 12:03:06 13 A. My report was based on reviewing the<br/> 12:03:07 14 inspection and the photos thoroughly.<br/> 12:03:26 15 Q. Okay. Turn to 491, please. This is<br/> 12:03:29 16 another letter from Sayde Brooks to Russ Godfrey<br/> 12:03:29 17 dated March 14th of 2018. Second paragraph says,<br/> 12:03:33 18 "A copy of the estimate related to this claim is<br/> 12:03:37 19 enclosed. Based on this estimate, the independent<br/> 12:03:39 20 adjuster found the damages to be less than the<br/> 12:03:43 21 \$2,500 deductible. Because of this, we are unable<br/> 12:03:45 22 to make an offer of payment on this claim to assist<br/> 12:03:48 23 you with repair costs"; correct?<br/> 12:03:50 24 A. That's what it says.<br/> 12:03:54 25 Q. How much did Michael White's estimate</p>   | <p>Page 139</p> <p>12:04:46 1 removed items from his --<br/> 12:04:48 2 BY MR. GIVENS:<br/> 12:04:48 3 Q. Right, but it's --<br/> 12:04:48 4 A. -- and added other items as well.<br/> 12:04:50 5 Q. But it's not a true statement to say that<br/> 12:04:52 6 Michael White found damages to be less than the<br/> 12:04:55 7 deductible; correct?<br/> 12:04:56 8 MR. ROBERTSON: Objection. Asked and<br/> 12:04:56 9 answered.<br/> 12:04:57 10 THE WITNESS: I would say Michael White's<br/> 12:04:58 11 initial inspection was above the deductible. Once<br/> 12:05:02 12 reviewed by people who can make the coverage<br/> 12:05:06 13 determination, not Michael White, that<br/> 12:05:07 14 determination changed; however, we did use his<br/> 12:05:09 15 estimate.<br/> 12:05:10 16 BY MR. GIVENS:<br/> 12:05:10 17 Q. Michael White never found the damages to<br/> 12:05:13 18 be less than the deductible, did he?<br/> 12:05:15 19 MR. ROBERTSON: Objection to form.<br/> 12:05:16 20 THE WITNESS: Michael White adding things<br/> 12:05:18 21 that weren't covered by the claim made it go above<br/> 12:05:21 22 the deductible, yes. Writing an estimate for<br/> 12:05:24 23 everything he saw, yes.<br/> 12:05:26 24 BY MR. GIVENS:<br/> 12:05:26 25 Q. It was above the deductible?</p> <p>Page 140</p> <p>Page 141</p>                                |

Mark Costello

12/13/2019

37 (142 - 145)

|   |   |
|---|---|
| <p>Page 142</p> <p>12:05:27 1 A. It was.</p> <p>12:05:27 2 Q. And that's the only amount he ever</p> <p>12:05:30 3 submitted; right?</p> <p>12:05:31 4 A. Correct.</p> <p>12:05:32 5 Q. And the estimate he did was not attached</p> <p>12:05:34 6 to this letter. What was attached was your</p> <p>12:05:37 7 estimate; right?</p> <p>12:05:39 8 MR. ROBERTSON: Objection to form.</p> <p>12:05:40 9 THE WITNESS: I believe so.</p> <p>12:05:55 10 BY MR. GIVENS:</p> <p>12:05:55 11 Q. Page 510, please. This is the Ultimate</p> <p>12:06:06 12 Roofing and Construction report that was submitted</p> <p>12:06:15 13 and based upon work done by their team on May 29th</p> <p>12:06:21 14 of 2018. Do you see that?</p> <p>12:06:22 15 A. I do see that.</p> <p>12:06:23 16 Q. Is it correct that you never saw this</p> <p>12:06:26 17 until this week?</p> <p>12:06:27 18 A. That is correct.</p> <p>12:06:27 19 Q. So after you did your estimate in March</p> <p>12:06:29 20 of 2018, your work on this claim ended?</p> <p>12:06:32 21 A. Correct.</p> <p>12:06:33 22 Q. The only thing that's happened is this</p> <p>12:06:35 23 lawsuit got filed, and we asked for your</p> <p>12:06:37 24 deposition, and in the course of preparing for your</p> <p>12:06:39 25 deposition you were shown these documents?</p>         | <p>Page 144</p> <p>12:08:01 1 Q. Okay. This picture would have been taken</p> <p>12:08:14 2 in 2017; right?</p> <p>12:08:17 3 MR. ROBERTSON: Objection to form.</p> <p>12:08:19 4 THE WITNESS: I'm not sure when May 24th</p> <p>12:08:21 5 was. It just says taken on May 24th.</p> <p>12:08:25 6 BY MR. GIVENS:</p> <p>12:08:25 7 Q. Well, as background -- or not as</p> <p>12:08:27 8 background. Strike that.</p> <p>12:08:28 9 Do you see any of the issues on the roof</p> <p>12:08:30 10 that's involved in this case as you saw it after</p> <p>12:08:34 11 the ice and snow event?</p> <p>12:08:38 12 A. I mean, from this angle of the photo I</p> <p>12:08:40 13 don't see any edges pulled away at this time.</p> <p>12:08:43 14 Q. So from that would you presume that this</p> <p>12:08:45 15 was photos taken in 2017?</p> <p>12:08:47 16 A. I would -- I would presume that, yeah.</p> <p>12:08:49 17 Q. Okay. Would you agree that the condition</p> <p>12:08:51 18 of that roof looks a lot different than it did</p> <p>12:08:55 19 after the snow and ice event?</p> <p>12:08:58 20 MR. ROBERTSON: Objection.</p> <p>12:08:59 21 THE WITNESS: I would agree overall it</p> <p>12:09:02 22 does. The deterioration isn't as present. It</p> <p>12:09:05 23 looks like, it's not possible to tell from this</p> <p>12:09:07 24 angle, that there is some waving, that there is</p> <p>12:09:09 25 some unlevel surfaces already forming.</p> |
| <p>Page 143</p> <p>12:06:41 1 A. Yes, sir.</p> <p>12:06:42 2 Q. Okay. Is there anything about seeing</p> <p>12:06:52 3 this document this week that changes any of your</p> <p>12:06:55 4 views?</p> <p>12:06:55 5 A. No, sir.</p> <p>12:07:04 6 Q. Do you see on page 513 --</p> <p>12:07:13 7 MR. ROBERTSON: Give me just a second,</p> <p>12:07:14 8 Keith. All right.</p> <p>12:07:26 9 BY MR. GIVENS:</p> <p>12:07:26 10 Q. Page 513 shows a blue tarp. Do you see</p> <p>12:07:29 11 that?</p> <p>12:07:30 12 A. I do, sir.</p> <p>12:07:31 13 Q. The upper part that that tarp's attached</p> <p>12:07:33 14 to, is it your understanding that that was the flat</p> <p>12:07:36 15 roof that was paid to be replaced in 2017?</p> <p>12:07:41 16 A. If you're saying it is. I haven't had</p> <p>12:07:43 17 enough time to review, like, overview and aerial</p> <p>12:07:47 18 photos. If you're saying it is, I -- I don't have</p> <p>12:07:49 19 any reason to disagree with that.</p> <p>12:07:51 20 Q. Okay. And then the lower part of the</p> <p>12:07:53 21 tarp goes down towards the lower flat roof, and are</p> <p>12:07:56 22 you aware that that's the flat roof that's involved</p> <p>12:07:57 23 in this claim that we're talking about in this</p> <p>12:07:59 24 case?</p> <p>12:08:00 25 A. Yes, sir.</p> | <p>Page 145</p> <p>12:09:12 1 BY MR. GIVENS:</p> <p>12:09:12 2 Q. But it looks like a roof that would hold</p> <p>12:09:15 3 water; right?</p> <p>12:09:17 4 MR. ROBERTSON: Objection, form.</p> <p>12:09:19 5 THE WITNESS: I mean, roofs are designed</p> <p>12:09:21 6 to shed water more than hold.</p> <p>12:09:22 7 BY MR. GIVENS:</p> <p>12:09:22 8 Q. Strike that then. It looks like a roof</p> <p>12:09:24 9 that would be watertight?</p> <p>12:09:26 10 MR. ROBERTSON: Objection to form.</p> <p>12:09:26 11 THE WITNESS: I can't tell from this</p> <p>12:09:27 12 photo. I can't see the seams close enough.</p> <p>12:09:31 13 BY MR. GIVENS:</p> <p>12:09:31 14 Q. Is it true that if a windstorm with winds</p> <p>12:09:33 15 over 80 miles an hour lifted up some of the upper</p> <p>12:09:37 16 part that was totaled in 2017, that it wouldn't be</p> <p>12:09:41 17 unusual for it also to affect the lower part?</p> <p>12:09:44 18 MR. ROBERTSON: Objection to form.</p> <p>12:09:46 19 THE WITNESS: It wouldn't be unusual, but</p> <p>12:09:48 20 it also wouldn't be a guarantee.</p> <p>12:09:50 21 BY MR. GIVENS:</p> <p>12:09:50 22 Q. If we go forward in the report, we can</p> <p>12:09:52 23 eventually see the replacement that was done of</p> <p>12:09:55 24 that upper part. Do you see that on page 515?</p> <p>12:10:00 25 A. I do. Is that a replacement or tarping?</p>   |

**Professional Reporters**

800.376.1006

www.prreporters.com

|   |  |
|---|--|
| <p>Page 146</p> <p>12:10:03 1 It looks --</p> <p>12:10:04 2 Q. I believe that's part of the replacement,</p> <p>12:10:07 3 but if you look on the next page, page 516, it</p> <p>12:10:12 4 actually has a diagram. And you looked this -- at</p> <p>12:10:14 5 this getting ready for your deposition; right?</p> <p>12:10:16 6 A. Yes, sir.</p> <p>12:10:17 7 MR. ROBERTSON: Objection to form.</p> <p>12:10:19 8 BY MR. GIVENS:</p> <p>12:10:19 9 Q. And it actually shows what was replaced</p> <p>12:10:20 10 in 2017, and then it shows the parts that were at</p> <p>12:10:23 11 issue in the 2018 claim. Do you see that?</p> <p>12:10:31 12 A. I see that that's what their notes say,</p> <p>12:10:33 13 correct.</p> <p>12:10:34 14 Q. Do you have any reason to disagree with</p> <p>12:10:36 15 the accuracy of what they're pointing to?</p> <p>12:10:38 16 MR. ROBERTSON: Are you talking about the</p> <p>12:10:39 17 area?</p> <p>12:10:41 18 BY MR. GIVENS:</p> <p>12:10:41 19 Q. Yes, just their area.</p> <p>12:10:42 20 A. I don't disagree with their -- their</p> <p>12:10:43 21 location. I don't agree with their findings.</p> <p>12:10:48 22 Q. And why not?</p> <p>12:10:49 23 A. They basically state they show wind</p> <p>12:10:51 24 damage that was the same as the 2017 loss, which</p> <p>12:10:53 25 were not present, that I could see, from the</p> | <p>Page 148</p> <p>12:12:06 1 A. My question would be -- or my answer</p> <p>12:12:08 2 would be we want to -- we're going to review the</p> <p>12:12:10 3 work of anyone that is not a direct AAA employee</p> <p>12:12:14 4 who would be subject to normal quality file audits</p> <p>12:12:18 5 and things like that. So we would review every</p> <p>12:12:21 6 estimate that an independent adjuster does for</p> <p>12:12:23 7 thoroughness and accuracy.</p> <p>12:12:25 8 Q. So shouldn't AAA send its own adjuster</p> <p>12:12:29 9 out there if it has doubts and it's going to deny a</p> <p>12:12:32 10 claim for people like the Godfreys --</p> <p>12:12:33 11 MR. ROBERTSON: Objection.</p> <p>12:12:33 12 BY MR. GIVENS:</p> <p>12:12:33 13 Q. -- instead of just doing it over</p> <p>12:12:33 14 photographs?</p> <p>12:12:33 15 MR. ROBERTSON: Objection to form.</p> <p>12:12:34 16 THE WITNESS: If there is enough support</p> <p>12:12:34 17 provided that we would need a reinspection, we</p> <p>12:12:38 18 would do a reinspection.</p> <p>12:12:41 19 BY MR. GIVENS:</p> <p>12:12:41 20 Q. Why wasn't it done in this case?</p> <p>12:12:44 21 A. We had enough support for our decision</p> <p>12:12:46 22 and nothing disputing it to require a reinspection</p> <p>12:12:51 23 at that time.</p> <p>12:12:52 24 Q. Are you aware that the Godfreys' roof</p> <p>12:12:54 25 kept leaking for several months after the denial --</p> |
| <p>Page 147</p> <p>12:10:55 1 inspection of the 2017. And they're combining --</p> <p>12:10:59 2 again it's saying ice damming, also wind damage.</p> <p>12:11:12 3 Q. Then on page 517, that shows after the</p> <p>12:11:12 4 February of '18 snow and ice event; right?</p> <p>12:11:17 5 A. 517? It would appear so.</p> <p>12:11:20 6 Q. That's the other part of that flat roof</p> <p>12:11:22 7 that goes into the atrium?</p> <p>12:11:24 8 A. Yeah, it appears so.</p> <p>12:11:27 9 Q. Okay. And that's again one of the areas</p> <p>12:11:28 10 where water got in the house?</p> <p>12:11:30 11 A. Yep.</p> <p>12:11:30 12 MR. ROBERTSON: Objection to form.</p> <p>12:11:42 13 BY MR. GIVENS:</p> <p>12:11:42 14 Q. Does AAA have a policy about if you</p> <p>12:11:45 15 have -- everyone who's inspected a roof on site</p> <p>12:11:49 16 believe that it's from a covered event, that that</p> <p>12:11:52 17 should be accepted --</p> <p>12:11:55 18 MR. ROBERTSON: Objection.</p> <p>12:11:55 19 BY MR. GIVENS:</p> <p>12:11:55 20 Q. -- over somebody looking at photographs?</p> <p>12:11:57 21 MR. ROBERTSON: Objection to form.</p> <p>12:11:58 22 THE WITNESS: AAA's policy is we want to</p> <p>12:12:00 23 do a thorough investigation on every claim.</p> <p>12:12:04 24 BY MR. GIVENS:</p> <p>12:12:04 25 Q. And so my question?</p>                      | <p>Page 149</p> <p>12:12:57 1 or a couple months? Excuse me. I don't want to</p> <p>12:12:59 2 misstate that. Strike that.</p> <p>12:13:01 3 Are you aware that the Godfreys' roof</p> <p>12:13:04 4 continued leaking for a period of weeks after the</p> <p>12:13:07 5 denial?</p> <p>12:13:08 6 MR. ROBERTSON: Objection to form.</p> <p>12:13:09 7 THE WITNESS: I was made aware of that</p> <p>12:13:10 8 this week --</p> <p>12:13:12 9 BY MR. GIVENS:</p> <p>12:13:12 10 Q. Are you --</p> <p>12:13:13 11 A. -- in reviewing it.</p> <p>12:13:13 12 Q. Are you aware that they had to borrow</p> <p>12:13:14 13 money to have those roofs replaced?</p> <p>12:13:17 14 MR. ROBERTSON: Objection to form.</p> <p>12:13:17 15 THE WITNESS: I was not aware. As a</p> <p>12:13:19 16 homeowner sometimes you -- you have to do things</p> <p>12:13:20 17 for repairs.</p> <p>12:13:33 18 BY MR. GIVENS:</p> <p>12:13:33 19 Q. So there's no policy that says when cause</p> <p>12:13:37 20 of a loss is disputed, if you will, because you're</p> <p>12:13:46 21 disputing what Michael White concluded, that you</p> <p>12:13:48 22 should go out to the property and actually</p> <p>12:13:50 23 physically inspect it?</p> <p>12:13:51 24 A. There was -- we had enough support in the</p> <p>12:13:53 25 file from the photographs.</p>  |

**Mark Costello****12/13/2019****39 (150 - 153)**

|   |   |
|---|---|
| <p>12:13:57 1 <b>Q. So from that I take it there is no such</b></p> <p>12:14:00 2 <b>policy?</b></p> <p>12:14:00 3 MR. ROBERTSON: Objection, form.</p> <p>12:14:01 4 THE WITNESS: I mean, each claim is</p> <p>12:14:04 5 handled on its own merit. If there was -- if there</p> <p>12:14:05 6 was a reason to reinspect it, there was support to</p> <p>12:14:09 7 do it, not enough support in the file, then, yes,</p> <p>12:14:09 8 we would have reinspected.</p> <p>12:14:11 9 BY MR. GIVENS:</p> <p>12:14:11 10 <b>Q. Did you ever go out and ever reinspect a</b></p> <p>12:14:14 11 <b>roof in this type of situation?</b></p> <p>12:14:14 12 A. For CSAA, no, I have not.</p> <p>12:14:18 13 <b>Q. Are you saying you did for Farmers?</b></p> <p>12:14:21 14 A. Farmers I did do some reinspections, not</p> <p>12:14:24 15 many, but a few. Kind of the same policy. If</p> <p>12:14:26 16 there's -- if the initial inspection didn't have</p> <p>12:14:28 17 enough support in it, you want to either confirm</p> <p>12:14:30 18 what they're telling you or support your decision</p> <p>12:14:32 19 so --</p> <p>12:14:32 20 <b>Q. And Farmers sent you out to the property</b></p> <p>12:14:35 21 <b>to do that?</b></p> <p>12:14:36 22 A. Yes.</p> <p>12:14:38 23 <b>Q. How many roofs did you actually inspect</b></p> <p>12:14:40 24 <b>at Farmers? Can you estimate? I mean, over a</b></p> <p>12:14:43 25 <b>hundred?</b></p> | <p>Page 150</p> <p>12:15:34 1 THE WITNESS: I feel like we had enough</p> <p>12:15:36 2 support and evidence in our file that it wasn't</p> <p>12:15:39 3 necessary to do that.</p> <p>12:15:40 4 BY MR. GIVENS:</p> <p>12:15:40 5 <b>Q. And I don't mean you personally. CSAA</b></p> <p>12:15:43 6 <b>could have had one of its roof adjusters go do</b></p> <p>12:15:45 7 <b>that; correct?</b></p> <p>12:15:46 8 MR. ROBERTSON: Objection to form.</p> <p>12:15:47 9 THE WITNESS: I don't believe any support</p> <p>12:15:48 10 was provided that would necessitate sending another</p> <p>12:15:55 11 person back out.</p> <p>12:15:56 12 BY MR. GIVENS:</p> <p>12:15:56 13 <b>Q. So this Ultimate Construction -- strike</b></p> <p>12:16:02 14 <b>that.</b></p> <p>12:16:02 15 <b>This Ultimate Roofing and Construction</b></p> <p>12:16:05 16 <b>report, in your view, having seen it for the first</b></p> <p>12:16:06 17 <b>time this week, would not have compelled an on-site</b></p> <p>12:16:11 18 <b>inspection?</b></p> <p>12:16:12 19 A. When was this received?</p> <p>12:16:15 20 <b>Q. It was sent in --</b></p> <p>12:16:16 21 A. May 29, 2018.</p> <p>12:16:18 22 <b>Q. Correct.</b></p> <p>12:16:19 23 A. So several months after the</p> <p>12:16:20 24 determination?</p> <p>12:16:21 25 <b>Q. Correct. And it has historical pictures</b></p>  |
| <p>Page 151</p> <p>12:14:43 1 A. Over a hundred.</p> <p>12:14:44 2 <b>Q. Over a thousand?</b></p> <p>12:14:45 3 A. I would say it's safe to say over a</p> <p>12:14:47 4 thousand.</p> <p>12:14:47 5 <b>Q. So you were an actual</b></p> <p>12:14:48 6 <b>out-of-the-office --</b></p> <p>12:14:51 7 A. Yes --</p> <p>12:14:51 8 <b>Q. -- field adjuster?</b></p> <p>12:14:52 9 A. -- I was a field adjuster with a larger</p> <p>12:14:53 10 territory in Oklahoma.</p> <p>12:14:55 11 MR. ROBERTSON: Watch out. Let him</p> <p>12:14:55 12 finish his question. You guys are talking a bit</p> <p>12:14:55 13 over.</p> <p>12:14:57 14 THE WITNESS: Sorry.</p> <p>12:14:57 15 BY MR. GIVENS:</p> <p>12:14:57 16 <b>Q. And how many years did you do that as a</b></p> <p>12:14:59 17 <b>field adjuster?</b></p> <p>12:15:01 18 A. Almost three years as a field adjuster.</p> <p>12:15:03 19 <b>Q. And what years would those have been?</b></p> <p>12:15:06 20 A. I want to say it was 2012 'til 2015, so</p> <p>12:15:09 21 right up to my end of my career at Farmers.</p> <p>12:15:24 22 <b>Q. Do you think it would have been fair to</b></p> <p>12:15:26 23 <b>the Godfreys to go out and meet with them and see</b></p> <p>12:15:29 24 <b>things firsthand before you denied their claim?</b></p> <p>12:15:34 25 MR. ROBERTSON: Objection to form.</p>   | <p>Page 153</p> <p>12:16:25 1 <b>as well as current pictures in it.</b></p> <p>12:16:28 2 A. As I recall from reviewing these files</p> <p>12:16:30 3 this week, both adjusters gave specific</p> <p>12:16:33 4 instructions for what they would need to see, as</p> <p>12:16:35 5 this is overlapping two claims. I don't believe,</p> <p>12:16:37 6 to my knowledge, that any of that information</p> <p>12:16:39 7 supporting it came in. We got this lump "it could</p> <p>12:16:42 8 be wind, it could be ice," and asked for</p> <p>12:16:44 9 clarification. And I did not see, at least in my</p> <p>12:16:46 10 review this week, any additional clarification</p> <p>12:16:50 11 outside of these photos that show a roof under</p> <p>12:16:54 12 repair.</p> <p>12:16:55 13 <b>Q. And what do you mean "a roof under</b></p> <p>12:16:56 14 <b>repair"?</b></p> <p>12:16:56 15 A. Well, these are photos from them working</p> <p>12:16:59 16 on the roof and months later lifting up seams, you</p> <p>12:17:02 17 know, close-ups. They're not really showing</p> <p>12:17:04 18 anything we didn't see from our inspection.</p> <p>12:17:10 19 There is one that shows a torn seal. Let</p> <p>12:17:14 20 me find the right photo. It's one of the ones you</p> <p>12:17:16 21 referenced earlier. So it's photo on -- on page</p> <p>12:17:20 22 512. That photo does show that there's a torn</p> <p>12:17:24 23 seal. Again, I don't know that -- what part of the</p> <p>12:17:28 24 roof this is on. If that was part of the wind</p> <p>12:17:31 25 claim, if we'd initially estimated it. It's -- to</p> |

**Professional Reporters****800.376.1006****www.prreporters.com**



**Mark Costello****12/13/2019****40 (154 - 157)**

|   |   |
|---|---|
| <p>Page 154</p> <p>12:17:35 1 make a determination from this both -- both</p> <p>12:17:38 2 adjusters on both files asked for additional</p> <p>12:17:40 3 information I don't believe they ever received, at</p> <p>12:17:43 4 least that I could see.</p> <p>12:17:43 5 <b>Q. What are you referring to?</b></p> <p>12:17:45 6 A. So when this was sent in, there are notes</p> <p>12:17:47 7 in the claim that I estimated from the owning</p> <p>12:17:51 8 adjuster, Sayde Brooks, that you're talking about</p> <p>12:17:56 9 wind, which would be this claim, which they gave</p> <p>12:17:56 10 the 2017 claim number. And then on the 2017 claim</p> <p>12:17:58 11 I noticed a note where someone reviewed it, sent</p> <p>12:18:01 12 some questions, "Why are you supplementing over a</p> <p>12:18:05 13 year later? We need some different photos and more</p> <p>12:18:09 14 information." I don't -- not that I could tell was</p> <p>12:18:13 15 anything else provided.</p> <p>12:18:14 16 <b>Q. Well, the information that you just said</b></p> <p>12:18:15 17 <b>they needed was already in the e-mails and the</b></p> <p>12:18:17 18 <b>phone calls that Mr. Lippolt (phonetic) had with</b></p> <p>12:18:23 19 <b>CSAA in this claim; right?</b></p> <p>12:18:24 20 A. In the phone calls that I so noted he</p> <p>12:18:27 21 referred to two different claims and was never real</p> <p>12:18:31 22 sure which claim he was talking about.</p> <p>12:18:35 23 <b>Q. Well, on 523 where Sayde responds to his</b></p> <p>12:18:40 24 <b>e-mail he says what his belief is --</b></p> <p>12:18:43 25 A. Do you have that page?</p> | <p>Page 156</p> <p>12:20:03 1 for more wind that was between those two claims,</p> <p>12:20:06 2 that would be a third event.</p> <p>12:20:07 3 <b>Q. Are you aware of any investigation that</b></p> <p>12:20:09 4 <b>was done on the position that Mr. Lippolt put in</b></p> <p>12:20:14 5 <b>this May 29th e-mail? Sayde Brooks says, "I've</b></p> <p>12:20:24 6 <b>reviewed the information and photos submitted."</b></p> <p>12:20:24 7 <b>Are you aware of anything beyond her reviewing</b></p> <p>12:20:25 8 <b>those?</b></p> <p>12:20:25 9 A. I believe on the other claim someone</p> <p>12:20:27 10 asked for more information, "Why is this a year</p> <p>12:20:30 11 later?"</p> <p>12:20:31 12 <b>Q. Did they ever contact the Godfreys with</b></p> <p>12:20:34 13 <b>that request?</b></p> <p>12:20:35 14 A. I can't say if they did or not. I don't</p> <p>12:20:37 15 recall from my review.</p> <p>12:20:38 16 <b>Q. Is there any documentation that they did?</b></p> <p>12:20:41 17 MR. ROBERTSON: Objection to form.</p> <p>12:20:42 18 THE WITNESS: There was an e-mail I</p> <p>12:20:43 19 believe sent on the 2017 claim asking for</p> <p>12:20:45 20 clarification. I don't know who exactly it went</p> <p>12:20:47 21 to.</p> <p>12:20:48 22 BY MR. GIVENS:</p> <p>12:20:48 23 <b>Q. If it was just sent to the contractor,</b></p> <p>12:20:50 24 <b>should it have also been communicated to the</b></p> <p>12:20:54 25 <b>Godfreys?</b></p>   |
| <p>Page 155</p> <p>12:18:44 1 <b>Q. -- that this is -- 523. I mean, he</b></p> <p>12:18:54 2 <b>explains his position in that e-mail, does he not?</b></p> <p>12:19:00 3 A. He says, "Pics showing the damage to the</p> <p>12:19:02 4 flat roof sections that mimic the prior 2017</p> <p>12:19:04 5 claim."</p> <p>12:19:08 6 <b>Q. He says, "The two roof sections</b></p> <p>12:19:10 7 <b>highlighted by the report" --</b></p> <p>12:19:12 8 A. Shows damage.</p> <p>12:19:13 9 <b>Q. -- "attached to this e-mail show damage</b></p> <p>12:19:13 10 <b>that was caused by wind and also as a result of ice</b></p> <p>12:19:15 11 <b>damming loss from 2018"; correct?</b></p> <p>12:19:19 12 A. Correct. And Sayde makes the deter- --</p> <p>12:19:23 13 lets him know that those are the photos we</p> <p>12:19:25 14 reviewed. We determined there was no ice damming.</p> <p>12:19:28 15 If it is wind, it's on the other claim which was</p> <p>12:19:29 16 for wind. This specific claim where I adjusted the</p> <p>12:19:32 17 estimate was for ice, not wind. They were separate</p> <p>12:19:38 18 occurrences.</p> <p>12:19:38 19 <b>Q. Have you ever seen a claim where two</b></p> <p>12:19:41 20 <b>losses overlap?</b></p> <p>12:19:45 21 A. I mean, in general you -- are you saying</p> <p>12:19:48 22 the cause of loss from two causes overlaps?</p> <p>12:19:52 23 <b>Q. Two events.</b></p> <p>12:19:53 24 A. Well, we investigated in this claim, in</p> <p>12:19:55 25 2017 and in 2018. If there was a different event</p>  | <p>Page 157</p> <p>12:20:54 1 MR. ROBERTSON: Objection to form.</p> <p>12:20:55 2 THE WITNESS: If an insured lets us know</p> <p>12:20:57 3 they're working with a contractor, we're happy to</p> <p>12:20:59 4 work directly with that contractor. We don't</p> <p>12:21:02 5 always involved them on everything unless we feel</p> <p>12:21:06 6 like they need to be involved. I can't say what</p> <p>12:21:08 7 they did or didn't do in that claim.</p> <p>12:21:09 8 BY MR. GIVENS:</p> <p>12:21:09 9 <b>Q. Well, Insurance 101, if you want to call</b></p> <p>12:21:11 10 <b>it that, if an insurance company needs information</b></p> <p>12:21:14 11 <b>to decide a claim, if a contractor doesn't respond,</b></p> <p>12:21:19 12 <b>isn't it incumbent upon the adjuster to reach out</b></p> <p>12:21:22 13 <b>to the insured whose claim it is that's at risk and</b></p> <p>12:21:25 14 <b>ask for that information?</b></p> <p>12:21:27 15 MR. ROBERTSON: Objection.</p> <p>12:21:28 16 THE WITNESS: That's not what happened in</p> <p>12:21:29 17 this claim. We completed an investigation on this</p> <p>12:21:31 18 claim. There was a supplement asked for and some</p> <p>12:21:34 19 more information asked for from the person who</p> <p>12:21:37 20 requested the supplement.</p> <p>12:21:38 21 BY MR. GIVENS:</p> <p>12:21:38 22 <b>Q. Right.</b></p> <p>12:21:38 23 A. Unfortunately, we can't babysit every</p> <p>12:21:43 24 single one of those. When we ask for information,</p> <p>12:21:45 25 it is then incumbent upon the contractor to -- to</p> |

**Professional Reporters****800.376.1006****www.prreporters.com**

Mark Costello

12/13/2019

41 (158 - 161)

|   |  |
|---|--|
| <p>12:21:49 1 reply. He's acting, as we can tell, on behalf of</p> <p>12:21:51 2 the insured's repairs. He's his contractor on</p> <p>12:21:54 3 multiple claims.</p> <p>12:21:54 4 <b>Q. Who's the insurance company's duty to?</b></p> <p>12:21:57 5 A. Its duty's to the insured, and we do a</p> <p>12:22:00 6 thorough investigation.</p> <p>12:22:01 7 <b>Q. But if you're lacking information that</b></p> <p>12:22:03 8 <b>you need to decide whatever the issue is, shouldn't</b></p> <p>12:22:08 9 <b>the company at least try once to get it from the</b></p> <p>12:22:11 10 <b>insured if it's important to have?</b></p> <p>12:22:13 11 MR. ROBERTSON: Objection to form.</p> <p>12:22:15 12 THE WITNESS: We weren't lacking</p> <p>12:22:16 13 information.</p> <p>12:22:18 14 BY MR. GIVENS:</p> <p>12:22:18 15 <b>Q. Then what are you --</b></p> <p>12:22:19 16 A. We completed our investigation and</p> <p>12:22:20 17 determination. Someone told us we were wrong. We</p> <p>12:22:23 18 asked for support on that from the person who told</p> <p>12:22:26 19 us we were wrong.</p> <p>12:22:27 20 <b>Q. And that's what I'm referring to. You're</b></p> <p>12:22:30 21 <b>telling me that you reached out for information</b></p> <p>12:22:33 22 <b>needed to clarify things, and it didn't come back,</b></p> <p>12:22:36 23 <b>and my question is just you're saying the adjuster</b></p> <p>12:22:40 24 <b>has not any duty to at least call or write the</b></p> <p>12:22:44 25 <b>insured --</b></p> | <p>Page 158</p> <p>12:24:14 1 the owning adjuster, who in the end owns the claim,</p> <p>12:24:17 2 which was Sayde Brooks.</p> <p>12:24:18 3 BY MR. GIVENS:</p> <p>12:24:18 4 <b>Q. Did you write either of the letters we</b></p> <p>12:24:20 5 <b>went over a few minutes ago?</b></p> <p>12:24:22 6 A. No, sir.</p> <p>12:24:22 7 <b>Q. Did you review them or approve them?</b></p> <p>12:24:24 8 A. No, sir.</p> <p>12:24:26 9 <b>Q. Should those letters have been worded</b></p> <p>12:24:28 10 <b>differently?</b></p> <p>12:24:30 11 MR. ROBERTSON: Objection to form.</p> <p>12:24:30 12 THE WITNESS: I would say potentially</p> <p>12:24:32 13 yes, I think.</p> <p>12:24:42 14 BY MR. GIVENS:</p> <p>12:24:42 15 <b>Q. CSAA's process with its vendors like</b></p> <p>12:24:46 16 <b>U.S. Adjusting is that they get paid a percentage</b></p> <p>12:24:49 17 <b>of their estimates; is that right?</b></p> <p>12:24:52 18 MR. ROBERTSON: Objection to form.</p> <p>12:24:53 19 BY MR. GIVENS:</p> <p>12:24:53 20 <b>Q. Or a fee based on the amount of their</b></p> <p>12:24:55 21 <b>estimates?</b></p> <p>12:24:56 22 A. There is a different pay scale I believe</p> <p>12:24:59 23 at the time that was for an everyday claim that,</p> <p>12:25:01 24 yes, you would be given some for mileage if</p> <p>12:25:05 25 necessary, and then it's a percentage of the</p>  |
| <p>12:22:45 1 MR. ROBERTSON: Object.</p> <p>12:22:46 2 BY MR. GIVENS:</p> <p>12:22:46 3 <b>Q. -- and ask for it?</b></p> <p>12:22:46 4 MR. ROBERTSON: Objection to form.</p> <p>12:22:48 5 THE WITNESS: I'm saying we completed an</p> <p>12:22:50 6 investigation on a claim. A year later somebody</p> <p>12:22:52 7 provides a supplement. We asked for clarification</p> <p>12:22:55 8 and didn't get it.</p> <p>12:22:57 9 BY MR. GIVENS:</p> <p>12:22:57 10 <b>Q. And you're saying it's okay not to</b></p> <p>12:23:00 11 <b>involve the insured in that if that's what</b></p> <p>12:23:02 12 <b>happened?</b></p> <p>12:23:02 13 MR. ROBERTSON: Objection to form.</p> <p>12:23:04 14 THE WITNESS: I'm saying in this instance</p> <p>12:23:05 15 we asked the person who provided the information</p> <p>12:23:07 16 for some further information.</p> <p>12:23:56 17 BY MR. GIVENS:</p> <p>12:23:56 18 <b>Q. So your role was limited in this claim to</b></p> <p>12:23:58 19 <b>just reviewing the estimate and making a decision</b></p> <p>12:24:00 20 <b>on whether you thought the estimate was accurate,</b></p> <p>12:24:02 21 <b>including cause of the loss?</b></p> <p>12:24:05 22 MR. ROBERTSON: Objection to form.</p> <p>12:24:07 23 THE WITNESS: I would say my role was</p> <p>12:24:09 24 similar to that. I didn't make -- I made</p> <p>12:24:12 25 determinations on coverage and discussed them with</p>  | <p>Page 159</p> <p>12:25:06 1 estimate you wrote.</p> <p>12:25:07 2 <b>Q. But if CSAA cuts the amount of their</b></p> <p>12:25:09 3 <b>estimate, they cut the amount of the payment to the</b></p> <p>12:25:12 4 <b>firm; right?</b></p> <p>12:25:13 5 MR. ROBERTSON: Objection, form.</p> <p>12:25:15 6 THE WITNESS: Correct. And if we</p> <p>12:25:16 7 increase it, we would increase the amount we pay.</p> <p>12:25:19 8 BY MR. GIVENS:</p> <p>12:25:19 9 <b>Q. So CSAA is realizing a savings by cutting</b></p> <p>12:25:22 10 <b>the estimate and by cutting the adjuster's fee?</b></p> <p>12:25:27 11 MR. ROBERTSON: Objection to form.</p> <p>12:25:28 12 THE WITNESS: No, sir.</p> <p>12:25:28 13 BY MR. GIVENS:</p> <p>12:25:28 14 <b>Q. How is that not correct?</b></p> <p>12:25:29 15 A. That's not what's considered at all. The</p> <p>12:25:32 16 adjuster's fees are the expense of doing business.</p> <p>12:25:35 17 We understand that. We just pay what's fair.</p> <p>12:25:41 18 <b>Q. My question wasn't about anything being</b></p> <p>12:25:42 19 <b>considered. It was if you pay out less to the</b></p> <p>12:25:43 20 <b>insured and you pay out less to the adjuster, those</b></p> <p>12:25:45 21 <b>are funds CSAA isn't paying; right?</b></p> <p>12:25:49 22 MR. ROBERTSON: Objection to form.</p> <p>12:25:50 23 THE WITNESS: I mean, I think we pay for</p> <p>12:25:54 24 the product of work that we get.</p> <p>12:26:10 25 BY MR. GIVENS:</p> |
|   | <p>Page 160</p>  |

**Professional Reporters**

800.376.1006

www.proreporters.com

|  |   |
|--|---|
| <p style="text-align: right;">Page 162</p> <p>12:26:10 1 Q. So is it your testimony that if snow and<br/> 12:26:11 2 ice or even just ice gets on a roof, and it takes a<br/> 12:26:15 3 roof that is watertight, it opens it up and leaks<br/> 12:26:18 4 inside of it, that that's not a covered loss?<br/> 12:26:21 5 MR. ROBERTSON: Objection to form.<br/> 12:26:22 6 THE WITNESS: That's not what happened<br/> 12:26:23 7 based on the evidence in this claim. If this was a<br/> 12:26:25 8 brand-new roof and there was support that snow and<br/> 12:26:28 9 ice did that, then, yes, that would be covered. If<br/> 12:26:31 10 it was a roof in better repair and it did that,<br/> 12:26:33 11 yes, but the determination I made was based on<br/> 12:26:37 12 photographs that showed potential previous repairs,<br/> 12:26:40 13 overall deterioration of the roof. Again, nobody<br/> 12:26:44 14 was disputing the water getting in. We paid for<br/> 12:26:47 15 that, or we estimated for that.<br/> 12:26:48 16 BY MR. GIVENS:<br/> 12:26:48 17 Q. I thought you said earlier that you agree<br/> 12:26:50 18 that the ice damming did contribute to the water<br/> 12:26:53 19 getting in?<br/> 12:26:54 20 A. The ice damming was the cause for the<br/> 12:26:56 21 water. That's what ice damming does.<br/> 12:26:56 22 Q. Okay.<br/> 12:26:56 23 A. The weight of ice and snow, based on all<br/> 12:26:59 24 of the information, were not the cause of the<br/> 12:27:01 25 damage to the roof itself.</p> | <p style="text-align: right;">Page 164</p> <p>12:27:55 1 beyond just how much snow and ice may have been<br/> 12:27:58 2 there in February when this happened?<br/> 12:28:00 3 A. No, I did not expand my scope outside of<br/> 12:28:03 4 the claim itself.<br/> 12:28:30 5 Q. Did you have any involvement in putting<br/> 12:28:32 6 together CSAA's answers to our written questions or<br/> 12:28:35 7 document requests?<br/> 12:28:36 8 A. No, sir.<br/> 12:29:00 9 Q. Do you believe that it is more likely to<br/> 12:29:03 10 get an accurate evaluation seeing a property in<br/> 12:29:08 11 person than you can do over a computer looking at<br/> 12:29:11 12 photos?<br/> 12:29:12 13 MR. ROBERTSON: Objection to form.<br/> 12:29:14 14 THE WITNESS: I don't believe that the<br/> 12:29:16 15 only way to get an accurate review is in person.<br/> 12:29:19 16 An accurate review and thorough review can be done<br/> 12:29:23 17 via photos, video, discussion.<br/> 12:29:28 18 BY MR. GIVENS:<br/> 12:29:28 19 Q. And my question was --<br/> 12:29:29 20 MR. GIVENS: Would you read it back,<br/> 12:29:30 21 please.<br/> 12:29:42 22 (Record read.)<br/> 12:29:44 23 THE WITNESS: Overall I do not believe<br/> 12:29:45 24 that, no.<br/> 12:29:46 25 BY MR. GIVENS:</p>  |
| <p style="text-align: right;">Page 163</p> <p>12:27:03 1 Q. Do you have any evidence that you've seen<br/> 12:27:04 2 this week or back then that this roof was leaking<br/> 12:27:08 3 before February 22nd of 2018?<br/> 12:27:10 4 MR. ROBERTSON: Objection. Objection to<br/> 12:27:12 5 form.<br/> 12:27:12 6 THE WITNESS: I don't, but I don't know<br/> 12:27:13 7 why I would.<br/> 12:27:16 8 BY MR. GIVENS:<br/> 12:27:16 9 Q. Well, if a roof is not leaking and then<br/> 12:27:19 10 an event happens and it starts leaking, isn't that<br/> 12:27:22 11 a factor that weighs towards that being a covered<br/> 12:27:25 12 event?<br/> 12:27:26 13 MR. ROBERTSON: Objection, form.<br/> 12:27:26 14 THE WITNESS: It would be if there was a<br/> 12:27:28 15 lot of precipitation or moisture previous to this.<br/> 12:27:32 16 I don't recall exactly at the time the amount of<br/> 12:27:35 17 rainfall and water previous to this event.<br/> 12:27:38 18 BY MR. GIVENS:<br/> 12:27:38 19 Q. And you didn't do anything to investigate<br/> 12:27:40 20 the amount of water that had happened between April<br/> 12:27:42 21 of '17 and February of '18, did you?<br/> 12:27:45 22 A. Based on the photos of the interior, it<br/> 12:27:47 23 showed that the water came from the ice damming.<br/> 12:27:50 24 Q. Okay. My question is as part of your<br/> 12:27:51 25 work did you do anything to research the weather</p>  | <p style="text-align: right;">Page 165</p> <p>12:29:46 1 Q. How did you factor in the timing of the<br/> 12:29:54 2 leaks into your evaluation, if you did?<br/> 12:29:55 3 A. Can you clarify what you're asking?<br/> 12:29:55 4 Q. Well, when somebody's determining cause<br/> 12:29:57 5 of something, I would think the timing of the<br/> 12:29:59 6 fallout from it would be an important factor.<br/> 12:30:02 7 A. Um-hmm.<br/> 12:30:02 8 Q. Is that true?<br/> 12:30:03 9 A. That is true.<br/> 12:30:04 10 Q. How did you evaluate that factor in this<br/> 12:30:07 11 case?<br/> 12:30:07 12 MR. ROBERTSON: Objection to form.<br/> 12:30:08 13 THE WITNESS: We determined that the<br/> 12:30:09 14 presence of ice and snow melting led to the water<br/> 12:30:12 15 entering the home. So that wh- -- that was --<br/> 12:30:14 16 that's what was covered by the claim.<br/> 12:30:18 17 BY MR. GIVENS:<br/> 12:30:18 18 Q. The term "collaborated estimate" was used<br/> 12:30:21 19 in the file. Is that your discussion with Sayde<br/> 12:30:23 20 and Glenn?<br/> 12:30:24 21 A. No. Collaborated means I took the<br/> 12:30:26 22 estimate that Michael White wrote, I put the<br/> 12:30:29 23 estimate in my name, and I made changes to it.<br/> 12:30:32 24 It's a collaboration of multiple adjusters working<br/> 12:30:36 25 on one estimate physically.</p> |

|  |   |
|--|---|
| <p>Page 166</p> <p>12:30:37 1 Q. And so, in simple terms, he submitted a</p> <p>12:30:40 2 written estimate through Xactimate. You took that</p> <p>12:30:44 3 exact estimate, put CSAA's name on it, put yourself</p> <p>12:30:48 4 as the estimator, added something that you thought</p> <p>12:30:50 5 was missing, got rid of all the damage to the roof,</p> <p>12:30:53 6 and that is what resulted in the lower amount?</p> <p>12:30:56 7 MR. ROBERTSON: Objection.</p> <p>12:30:57 8 THE WITNESS: Yes, sir.</p> <p>12:30:58 9 MR. ROBERTSON: Go ahead.</p> <p>12:30:58 10 BY MR. GIVENS:</p> <p>12:30:58 11 Q. And when that estimate is sent to Mr. and</p> <p>12:31:03 12 Mrs. Godfrey, it would appear that that's CSAA's</p> <p>12:31:05 13 estimate?</p> <p>12:31:06 14 A. It was CSAA's estimate, yes.</p> <p>12:31:11 15 Q. Who's your chain of command above you?</p> <p>12:31:13 16 A. Currently or at the time?</p> <p>12:31:14 17 Q. Currently, please.</p> <p>12:31:15 18 A. Currently I report to Zach Gordon.</p> <p>12:31:18 19 Q. What's his title?</p> <p>12:31:19 20 A. Homeowner claims executive.</p> <p>12:31:21 21 Q. Is he here in Las Vegas?</p> <p>12:31:22 22 A. No. He's in Oklahoma City.</p> <p>12:31:26 23 Q. And who's above him?</p> <p>12:31:28 24 A. Above him would be Cal Hankins.</p> <p>12:31:30 25 Q. Is he there also?</p>   | <p>Page 168</p> <p>12:32:26 1 would get a check?</p> <p>12:32:27 2 A. Yes, sir.</p> <p>12:32:30 3 Q. Any other CSAA entities sharing that</p> <p>12:32:34 4 building in Oklahoma City?</p> <p>12:32:38 5 A. There's policy services, which is part of</p> <p>12:32:42 6 CSAA, but I'd say 80 percent of the build- --</p> <p>12:32:43 7 85 percent of the building is claims operations.</p> <p>12:32:46 8 Q. Is policy services at AAA Oklahoma?</p> <p>12:32:51 9 A. No. Policy services is also part of CSAA</p> <p>12:32:51 10 Insurance Group, but they handle policyholder</p> <p>12:32:56 11 questions, renewals, things like that. Just kind</p> <p>12:32:58 12 of a member service, "I have general questions.</p> <p>12:32:59 13 When does my policy expire," things like that.</p> <p>12:33:02 14 Q. Do the adjusters also work for CSAA</p> <p>12:33:06 15 Insurance Group --</p> <p>12:33:07 16 A. Yes.</p> <p>12:33:07 17 Q. -- to your knowledge?</p> <p>12:33:08 18 A. Yes, the adjusters do.</p> <p>12:33:11 19 Q. Did people get bonuses, as far as you</p> <p>12:33:14 20 know, companywide bonuses for 2018?</p> <p>12:33:16 21 A. For 2018 there --</p> <p>12:33:17 22 MR. ROBERTSON: Objection. Go ahead.</p> <p>12:33:19 23 THE WITNESS: There were bonuses given,</p> <p>12:33:20 24 yes.</p> <p>12:33:20 25 BY MR. GIVENS:</p>   |
| <p>Page 167</p> <p>12:31:33 1 A. He is in Oklahoma City as well.</p> <p>12:31:33 2 Q. And his title?</p> <p>12:31:34 3 A. Claims executive.</p> <p>12:31:36 4 Q. How many people do you have here at your</p> <p>12:31:39 5 Las Vegas facility?</p> <p>12:31:40 6 A. Direct reports, I have six inside</p> <p>12:31:42 7 supervisors who report to me. I have one field</p> <p>12:31:45 8 supervisor who reports to me. I have --</p> <p>12:31:47 9 Q. I mean total.</p> <p>12:31:48 10 A. So I have 37 inside adjusters, so 43, 44,</p> <p>12:31:51 11 and I've got seven field -- so overall my team in</p> <p>12:31:54 12 Las Vegas itself I have 43 people that report to</p> <p>12:31:58 13 me. For field operations I have one supervisor and</p> <p>12:32:00 14 seven field adjusters.</p> <p>12:32:02 15 Q. Sorry my question wasn't clear. I'm just</p> <p>12:32:04 16 asking how many CSAA people work in this facility.</p> <p>12:32:08 17 A. Work in the current facility?</p> <p>12:32:10 18 Q. In Las Vegas.</p> <p>12:32:11 19 A. Probably 250 to 300.</p> <p>12:32:14 20 Q. How many's in the Oklahoma City facility?</p> <p>12:32:19 21 A. I would say similar to that.</p> <p>12:32:20 22 Q. Who's your actual employer?</p> <p>12:32:20 23 A. My actual employer? I report to CSAA</p> <p>12:32:22 24 Insurance Group. That's my employer.</p> <p>12:32:24 25 Q. And that's who issues your check, if you</p> | <p>Page 169</p> <p>12:33:20 1 Q. Is that a percentage or is everybody's</p> <p>12:33:23 2 amount different?</p> <p>12:33:24 3 A. Everyone's amount is different. There's</p> <p>12:33:25 4 a percentage based on position, and then there's</p> <p>12:33:28 5 percentages based on company targets and goals. So</p> <p>12:33:31 6 we can get partial bonuses depending on certain</p> <p>12:33:36 7 factors.</p> <p>12:33:37 8 Q. So the better the company does</p> <p>12:33:40 9 financially the better bonuses people get?</p> <p>12:33:46 10 MR. ROBERTSON: Objection, form.</p> <p>12:33:46 11 THE WITNESS: I would say, I mean, yes,</p> <p>12:33:47 12 as a business runs, but there's a lot more that</p> <p>12:33:51 13 goes into it.</p> <p>12:33:51 14 BY MR. GIVENS:</p> <p>12:33:51 15 Q. Well, I think you said earlier that it</p> <p>12:33:53 16 depends on the company's year.</p> <p>12:33:55 17 A. Yeah, the performance.</p> <p>12:33:55 18 Q. Isn't that what you meant?</p> <p>12:33:56 19 A. Yes, performance of the company.</p> <p>12:33:58 20 Q. That's all I'm trying to verify.</p> <p>12:34:11 21 Do you know if Sayde Brooks had any</p> <p>12:34:13 22 insurance experience before coming to work at CSAA?</p> <p>12:34:15 23 A. I don't know.</p> <p>12:34:20 24 Q. Is it your testimony that wear and tear</p> <p>12:34:22 25 results in the long cracks or lifts on the edges of</p> |

|   |  |
|---|--|
| <p>12:34:27 1 the flat roof?</p> <p>12:34:28 2 MR. ROBERTSON: Objection to form.</p> <p>12:34:29 3 THE WITNESS: It's my testimony that wear</p> <p>12:34:30 4 and tear to the roof -- that was the end result</p> <p>12:34:33 5 from all the waving, cupping, standing water over</p> <p>12:34:37 6 time is what caused that.</p> <p>12:34:38 7 BY MR. GIVENS:</p> <p>12:34:38 8 Q. The pictures that show a uniform long</p> <p>12:34:41 9 lift or crack, that's to you wear and tear?</p> <p>12:34:43 10 A. I would say I don't recall seeing long.</p> <p>12:34:45 11 I saw several wavy type ones that matched waves</p> <p>12:34:50 12 throughout the roof.</p> <p>12:34:52 13 Q. If there's just a long lift or crack, is</p> <p>12:34:56 14 that indicative of something?</p> <p>12:34:58 15 MR. ROBERTSON: Objection to form.</p> <p>12:34:59 16 THE WITNESS: In the photos you showed me</p> <p>12:35:00 17 there is some long lifts that were caused by wind</p> <p>12:35:03 18 from the previous claim.</p> <p>12:35:05 19 BY MR. GIVENS:</p> <p>12:35:05 20 Q. No, I'm talking about this loss.</p> <p>12:35:07 21 A. In this claim from the photos I recall</p> <p>12:35:09 22 seeing, the lifts lined up with waves in the roof</p> <p>12:35:13 23 that occurred throughout time.</p> <p>12:35:18 24 Q. So if there are lifts without the waves</p> <p>12:35:20 25 near them, is that indicative of something</p>   | <p>Page 170</p> <p>12:36:21 1 part of the original installation?</p> <p>12:36:25 2 MR. ROBERTSON: Objection, form.</p> <p>12:36:26 3 THE WITNESS: Can you rephrase your</p> <p>12:36:27 4 question.</p> <p>12:36:28 5 BY MR. GIVENS:</p> <p>12:36:28 6 Q. I'm just trying to verify that if the</p> <p>12:36:30 7 roof is installed with glue or sealant, even if</p> <p>12:36:33 8 it's messy, that's not a repair; that's an</p> <p>12:36:36 9 installation.</p> <p>12:36:37 10 A. It could potentially be.</p> <p>12:36:38 11 Q. Well, when would it not be if it's done</p> <p>12:36:41 12 during the original installation?</p> <p>12:36:43 13 A. I mean, it could be done as part of a</p> <p>12:36:45 14 repair. It could be done as part of the</p> <p>12:36:47 15 installation. It's --</p> <p>12:36:47 16 Q. I'm saying it is done as part of the</p> <p>12:36:50 17 installation.</p> <p>12:36:51 18 A. Okay.</p> <p>12:36:51 19 Q. So that would never be a repair, correct,</p> <p>12:36:53 20 even if it's messy looking?</p> <p>12:36:56 21 MR. ROBERTSON: Objection to form.</p> <p>12:36:57 22 THE WITNESS: I mean, potentially. This</p> <p>12:36:58 23 didn't appear that way.</p> <p>12:37:02 24 BY MR. GIVENS:</p> <p>12:37:02 25 Q. Do you not agree with my question?</p>   |
| <p>12:35:23 1 different?</p> <p>12:35:24 2 MR. ROBERTSON: Objection, form.</p> <p>12:35:26 3 THE WITNESS: Based on the overall review</p> <p>12:35:27 4 of the condition of the roof, it's supported that</p> <p>12:35:31 5 the pull-away and lifts were caused by wear and</p> <p>12:35:34 6 tear to the roof over time.</p> <p>12:35:37 7 BY MR. GIVENS:</p> <p>12:35:37 8 Q. I'm not thinking you're answering my</p> <p>12:35:38 9 question. I'm just trying to get an idea of in</p> <p>12:35:41 10 diagnosing roof problems, if there's not waves near</p> <p>12:35:43 11 a lift on a flat roof, what does that mean --</p> <p>12:35:48 12 MR. ROBERTSON: Objection to form.</p> <p>12:35:49 13 BY MR. GIVENS:</p> <p>12:35:49 14 Q. -- if it's just a lift?</p> <p>12:35:51 15 A. There don't have to be waves. There were</p> <p>12:35:52 16 other factors. There was different colors,</p> <p>12:35:55 17 different waves throughout the roof that could pull</p> <p>12:35:57 18 away, not necessarily rolling up to it. There was</p> <p>12:36:02 19 just several that the wave carried the entire</p> <p>12:36:04 20 length through the lifting. Any of those pushing</p> <p>12:36:06 21 down would pull pressure away from the edge of the</p> <p>12:36:09 22 roof over time.</p> <p>12:36:12 23 Q. Is it true that if somebody, a roofing</p> <p>12:36:15 24 contractor, used a sealant or glue to put a flat</p> <p>12:36:18 25 roof down, that that's not a repair if it's done as</p> | <p>Page 171</p> <p>12:37:04 1 A. I agree with your -- in reference to this</p> <p>12:37:06 2 specific claim, no. In general, yeah, you could</p> <p>12:37:08 3 install a roof messily.</p> <p>12:37:11 4 Q. Okay. What was Alana Hare's role on this</p> <p>12:37:19 5 claim?</p> <p>12:37:19 6 A. I believe she was Sayde Brooks'</p> <p>12:37:20 7 supervisor.</p> <p>12:37:21 8 Q. Does she review and approve all denial</p> <p>12:37:24 9 letters for people under her?</p> <p>12:37:26 10 MR. ROBERTSON: Objection, form.</p> <p>12:37:27 11 THE WITNESS: All full denials I would</p> <p>12:37:29 12 say yes. Partial denials I can't answer if she</p> <p>12:37:32 13 does or doesn't. I know some people have authority</p> <p>12:37:35 14 to do those.</p> <p>12:37:43 15 BY MR. GIVENS:</p> <p>12:37:43 16 Q. Do you remember any conversations with</p> <p>12:37:44 17 her about this claim?</p> <p>12:37:47 18 A. Again, as I mentioned earlier, she could</p> <p>12:37:49 19 have been involved in the conversations. I don't</p> <p>12:37:51 20 remember going directly to her with it. I mean,</p> <p>12:37:57 21 she could have been involved. Like I said, if I</p> <p>12:37:59 22 had a discussion with Sayde, there's potential she</p> <p>12:38:03 23 was there.</p> <p>12:38:04 24 Q. If this flat roof was on there for</p> <p>12:38:06 25 20 years, or approximately that long, and then a</p> |

|   |   |
|---|---|
| <p>Page 174</p> <p>12:38:09 1 storm happened and caused some damage to it, why</p> <p>12:38:17 2 would CSAA pay for that and then deny this one?</p> <p>12:38:24 3 MR. ROBERTSON: Objection to form.</p> <p>12:38:26 4 THE WITNESS: The --</p> <p>12:38:27 5 BY MR. GIVENS:</p> <p>12:38:27 6 Q. Half the age, I guess, is why I'm asking.</p> <p>12:38:30 7 MR. ROBERTSON: Objection to form.</p> <p>12:38:30 8 THE WITNESS: Because it -- for a policy</p> <p>12:38:31 9 to cover it, it would have to be a covered peril,</p> <p>12:38:35 10 not an excluded peril. So wind, hail, those are</p> <p>12:38:39 11 covered perils regardless of the age of that</p> <p>12:38:42 12 roof.</p> <p>12:38:43 13 BY MR. GIVENS:</p> <p>12:38:43 14 Q. Well, if the roof is 20 years old and it</p> <p>12:38:45 15 lifts up because of wind and they replace the roof</p> <p>12:38:49 16 instead of repairing it, do you see what I'm</p> <p>12:38:52 17 saying?</p> <p>12:38:53 18 A. Um-hmm.</p> <p>12:38:53 19 MR. ROBERTSON: Object.</p> <p>12:38:54 20 BY MR. GIVENS:</p> <p>12:38:54 21 Q. Does CSAA have a policy about that type</p> <p>12:38:57 22 of situation?</p> <p>12:38:58 23 MR. ROBERTSON: Objection, form.</p> <p>12:39:00 24 THE WITNESS: Do we have guidance for</p> <p>12:39:01 25 repair versus replace?</p>  | <p>Page 176</p> <p>12:40:09 1 generally correct?</p> <p>12:40:10 2 A. You could. You know, the edges could</p> <p>12:40:11 3 look different just depending on if they were</p> <p>12:40:13 4 sealed down or up, exposed to more elements.</p> <p>12:40:24 5 MR. GIVENS: Are you going to have any</p> <p>12:40:25 6 questions?</p> <p>12:40:26 7 MR. ROBERTSON: I -- no, not right now.</p> <p>12:40:29 8 MR. GIVENS: Okay.</p> <p>12:40:31 9 BY MR. GIVENS:</p> <p>12:40:31 10 Q. Did you have any meetings or telephone</p> <p>12:40:34 11 conferences with anybody within CSAA to get ready</p> <p>12:40:36 12 for your deposition?</p> <p>12:40:42 13 A. No, not to prepare for the deposition.</p> <p>12:40:44 14 Q. Have you ever talked to Sayde Brooks</p> <p>12:40:46 15 about the claim in reference to your deposition?</p> <p>12:40:48 16 A. I believe I made an offhanded comment and</p> <p>12:40:52 17 said, "I'm getting deposed on the claim that we</p> <p>12:40:52 18 worked on together" when we were discussing another</p> <p>12:40:54 19 matter, but no discussion of the actual claim or</p> <p>12:40:56 20 anything.</p> <p>12:40:56 21 Q. Okay. How would you -- well, strike</p> <p>12:40:58 22 that.</p> <p>12:40:59 23 Do you rate adjusters' performance on</p> <p>12:41:02 24 claims as part of your job as a manager?</p> <p>12:41:05 25 A. I mean, factors of claims, quality of</p>   |
| <p>Page 175</p> <p>12:39:03 1 BY MR. GIVENS:</p> <p>12:39:03 2 Q. Right. If it's an old roof --</p> <p>12:39:05 3 A. Sure. I mean, depending on the roof, if</p> <p>12:39:05 4 it's repairable, which oftentimes you would have</p> <p>12:39:09 5 to -- there's things that could be done. There's a</p> <p>12:39:12 6 formula called DURA that can tell you if something</p> <p>12:39:13 7 can be repaired, there's brittle tests that can be</p> <p>12:39:15 8 done to show if a shingle can be repaired, and</p> <p>12:39:19 9 obviously there's common sense that can tell you if</p> <p>12:39:21 10 something can be repaired versus replaced.</p> <p>12:39:32 11 Q. Can you tell how recent a lift on a flat</p> <p>12:39:36 12 roof is by looking at the area that had lifted?</p> <p>12:39:39 13 A. There are ways to. You can look at the</p> <p>12:39:41 14 amount of debris build-up underneath it. You could</p> <p>12:39:44 15 look at how worn out the seals are, if they're</p> <p>12:39:48 16 torn. There's -- there's potential ways to do it,</p> <p>12:39:51 17 yes.</p> <p>12:39:51 18 Q. Was there any debris under these lift</p> <p>12:39:53 19 areas?</p> <p>12:39:53 20 A. From the photos I saw I didn't see any;</p> <p>12:39:56 21 however, they could have also been washed away from</p> <p>12:39:59 22 the water from the ice damming, which we agree</p> <p>12:40:02 23 happened, and damaged the interior of the home.</p> <p>12:40:02 24 Q. The debris factor, you'd get debris over</p> <p>12:40:07 25 time if it was like that for a while. Is that</p> | <p>Page 177</p> <p>12:41:07 1 files. Again, they're not solely rated just on</p> <p>12:41:12 2 claims.</p> <p>12:41:12 3 Q. No, I mean is part of your job to talk to</p> <p>12:41:16 4 adjusters and grade them for personnel file</p> <p>12:41:18 5 purposes on how they do on claims?</p> <p>12:41:20 6 A. Part of my job is to review the findings</p> <p>12:41:22 7 of the supervisors who audit files.</p> <p>12:41:26 8 Q. Okay. So you're above the people that</p> <p>12:41:28 9 actually do the evaluations?</p> <p>12:41:29 10 A. Yes, sir, and there's --</p> <p>12:41:29 11 Q. Did you do those evaluations yourself at</p> <p>12:41:34 12 some point?</p> <p>12:41:35 13 A. Yes, I have.</p> <p>12:41:36 14 Q. Okay. So how would you grade the</p> <p>12:41:37 15 handling of this claim?</p> <p>12:41:40 16 MR. ROBERTSON: Objection to form.</p> <p>12:41:40 17 THE WITNESS: I feel like Sayde's</p> <p>12:41:42 18 documentation was good. I feel like the decision</p> <p>12:41:44 19 was supported. I feel like she as an adjuster</p> <p>12:41:48 20 trusted the support around her to help make her</p> <p>12:41:51 21 decision. I think I probably would have coached</p> <p>12:41:54 22 how those letters read. Some of those things</p> <p>12:41:58 23 pre-fill. Sometimes you have to make a change. I</p> <p>12:42:01 24 would have coached that. Not saying that would</p> <p>12:42:03 25 have made the file bad or a failing-type file but</p> |

|  |   |
|--|---|
| <p style="text-align: right;">Page 178</p> <p>12:42:07 1 an opportunity to do maybe better in some of the</p> <p>12:42:11 2 wording. I think overall she replied timely. The</p> <p>12:42:15 3 investigation was timely. Things were considered.</p> <p>12:42:18 4 I mean, I would pass the file, if I was auditing</p> <p>12:42:21 5 it, with some coaching opportunities. I think when</p> <p>12:42:24 6 she got the supplement she responded timely and</p> <p>12:42:27 7 responded with what I would have responded with.</p> <p>12:42:31 8 We've reviewed these photos. You're referencing</p> <p>12:42:34 9 another claim.</p> <p>12:42:35 10 BY MR. GIVENS:</p> <p>12:42:35 11 Q. When Mr. Godfrey objected to the denial,</p> <p>12:42:40 12 should CSAA have sent somebody out at that point?</p> <p>12:42:43 13 Would that be something in hindsight you would do?</p> <p>12:42:45 14 MR. ROBERTSON: Objection to form. Go</p> <p>12:42:46 15 ahead.</p> <p>12:42:46 16 THE WITNESS: If there's an objection</p> <p>12:42:46 17 with support, we would. Just saying he thinks</p> <p>12:42:48 18 we're wrong based on our investigation isn't --</p> <p>12:42:51 19 isn't suffice to that.</p> <p>12:42:54 20 BY MR. GIVENS:</p> <p>12:42:54 21 Q. Well, part of his basis that he</p> <p>12:42:55 22 communicated was what the independent adjuster told</p> <p>12:42:58 23 him in his living room.</p> <p>12:42:59 24 A. The independent adjuster does not have</p> <p>12:43:01 25 the authority to discuss coverage. He doesn't see</p> | <p style="text-align: right;">Page 180</p> <p>12:43:50 1 BY MR. GIVENS:</p> <p>12:43:50 2 Q. And the whole purpose for him being there</p> <p>12:43:53 3 is to figure out how much damage has happened and</p> <p>12:43:56 4 what caused that damage?</p> <p>12:43:57 5 MR. ROBERTSON: Objection to form.</p> <p>12:43:58 6 THE WITNESS: I would say to determine</p> <p>12:44:00 7 cause of loss but not coverage. It's never within</p> <p>12:44:02 8 his scope to determine the coverage.</p> <p>12:44:06 9 BY MR. GIVENS:</p> <p>12:44:06 10 Q. But with that understanding and what he</p> <p>12:44:09 11 told Mr. Godfrey, in hindsight don't you think they</p> <p>12:44:14 12 should have gone out before the roofs were replaced</p> <p>12:44:16 13 to get to the bottom of why Mr. White thought one</p> <p>12:44:19 14 thing and you guys thought another?</p> <p>12:44:21 15 MR. ROBERTSON: Objection to form.</p> <p>12:44:22 16 THE WITNESS: I would say if support was</p> <p>12:44:23 17 provided outside of Mr. Godfrey or his roofer</p> <p>12:44:27 18 saying "You're wrong," then we would have done</p> <p>12:44:29 19 that.</p> <p>12:44:29 20 BY MR. GIVENS:</p> <p>12:44:29 21 Q. Okay. How does a policyholder like</p> <p>12:44:31 22 Mr. Godfrey provide support? What are you talking</p> <p>12:44:34 23 about?</p> <p>12:44:35 24 A. We explained what we found. So something</p> <p>12:44:37 25 to dispute that from his chosen contractor or</p>   |
| <p style="text-align: right;">Page 179</p> <p>12:43:03 1 the policy. That's not what he's asked to do.</p> <p>12:43:08 2 Q. Well, he's asked to determine cause.</p> <p>12:43:10 3 That's part of what he's --</p> <p>12:43:11 4 A. He is asked --</p> <p>12:43:11 5 Q. -- there for; right?</p> <p>12:43:13 6 MR. ROBERTSON: Objection to form. Go</p> <p>12:43:14 7 ahead.</p> <p>12:43:14 8 THE WITNESS: He is asked to give us a</p> <p>12:43:15 9 causal statement in his opinion, yes.</p> <p>12:43:17 10 BY MR. GIVENS:</p> <p>12:43:17 11 Q. And those guidelines we went through tell</p> <p>12:43:19 12 him how to do that in part, how to accurately</p> <p>12:43:23 13 handle these situations?</p> <p>12:43:24 14 A. I wouldn't say accurately, because he was</p> <p>12:43:27 15 inaccurate in this.</p> <p>12:43:28 16 Q. And not -- the guidelines, I don't want</p> <p>12:43:30 17 to misspeak, they don't say, "Here's how you tell</p> <p>12:43:34 18 if it's wind damage versus ice and snow," but it</p> <p>12:43:37 19 says you have to go out there, properly photograph,</p> <p>12:43:41 20 document, look at things a certain way, you know,</p> <p>12:43:44 21 so everything you do out there needs to be proper;</p> <p>12:43:46 22 right?</p> <p>12:43:47 23 MR. ROBERTSON: Objection to form.</p> <p>12:43:48 24 THE WITNESS: I would say that's what the</p> <p>12:43:49 25 guidelines say, yes.</p>   | <p style="text-align: right;">Page 181</p> <p>12:44:40 1 roofer would have -- photos that showed we were --</p> <p>12:44:44 2 our photos weren't showing everything specific to</p> <p>12:44:48 3 that claim, photos that said, "This is from ice.</p> <p>12:44:52 4 Here's the support for that." Not "This could be</p> <p>12:44:55 5 wind. This could be ice" a year later. Those --</p> <p>12:45:03 6 something that supported their position outside of</p> <p>12:45:05 7 them just stating "You are wrong."</p> <p>12:45:07 8 Q. So Mr. Godfrey's point that it hadn't</p> <p>12:45:09 9 been leaking until that storm and the person you</p> <p>12:45:13 10 sent out there finding it was wind and snow -- I'm</p> <p>12:45:18 11 sorry. Strike that.</p> <p>12:45:20 12 So Mr. Godfrey's evidence that no leaks</p> <p>12:45:24 13 were happening until that storm and the opinions of</p> <p>12:45:28 14 the person that you sent out there as an adjuster</p> <p>12:45:30 15 to determine the cause saying that it was snow and</p> <p>12:45:38 16 ice, your testimony is that's not enough for a</p> <p>12:45:41 17 reinspection?</p> <p>12:45:42 18 MR. ROBERTSON: Objection, form.</p> <p>12:45:43 19 THE WITNESS: My testimony is we agreed</p> <p>12:45:45 20 that the snow and ice caused the water to enter the</p> <p>12:45:46 21 home. We disagreed that the weight of that snow</p> <p>12:45:48 22 and ice was the cause for the pulling away of the</p> <p>12:45:52 23 roof and the damage to the roof.</p> <p>12:45:54 24 BY MR. GIVENS:</p> <p>12:45:54 25 Q. So the answer to my question is it's not</p> |

|  |   |
|--|---|
| <p>12:45:55 1 enough for a reinspection? Page 182</p> <p>12:45:57 2 A. Him saying we are incorrect, no.</p> <p>12:45:59 3 Q. Him saying there were no leaks until this</p> <p>12:46:02 4 event and the guy you sent out there has concluded</p> <p>12:46:05 5 it is storm related, those two things together is</p> <p>12:46:08 6 not enough. I'm just asking for a yes or no on</p> <p>12:46:11 7 whether that's correct.</p> <p>12:46:13 8 MR. ROBERTSON: Objection to form.</p> <p>12:46:15 9 THE WITNESS: Based on the lack of</p> <p>12:46:16 10 thoroughness of his inspection, no, that was not</p> <p>12:46:20 11 enough in this claim.</p> <p>12:46:29 12 MR. GIVENS: I don't have any other</p> <p>12:46:29 13 questions.</p> <p>12:46:33 14 MR. ROBERTSON: We'll read and sign.</p> <p>12:46:35 15 MR. GIVENS: Thanks for your time.</p> <p>12:46:37 16 THE VIDEOGRAPHER: We are off the record,</p> <p>12:46:38 17 12:46 p.m.</p> <p>12:46:40 18 THE REPORTER: Mr. Robertson, you said</p> <p>12:46:40 19 you do want to order a copy of the transcript?</p> <p>12:46:46 20 MR. ROBERTSON: A copy, yes.</p> <p>12:46:53 21 THE REPORTER: Hard copy, electronic,</p> <p>12:46:53 22 both?</p> <p>12:46:53 23 MR. ROBERTSON: Yeah, that would be</p> <p>12:46:53 24 great, both.</p> <p>12:46:53 25 THE REPORTER: Thank you.</p> | <p>1 DEPOSITION ERRATA SHEET Page 184</p> <p>2</p> <p>3</p> <p>4 Our Assignment No. J4714351</p> <p>5 Case Caption: Godfrey vs. CSAA</p> <p>6</p> <p>7 DECLARATION UNDER PENALTY OF PERJURY</p> <p>8 I declare under penalty of perjury that I have</p> <p>9 read the entire transcript of my deposition taken</p> <p>10 in the captioned matter or the same has been read</p> <p>11 to me, and the same is true and accurate, save and</p> <p>12 except for changes and/or corrections, if any, as</p> <p>13 indicated by me on the Deposition Errata Sheet</p> <p>14 hereof, with the understanding that I offer these</p> <p>15 changes as if still under oath.</p> <p>16 Signed on the _____ day of _____,</p> <p>17 20____.</p> <p>18</p> <p>19</p> <p>20 _____</p> <p>21 MARK S. COSTELLO</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   |
| <p>1 (The proceedings were concluded Page 183</p> <p>2 at 12:46 p.m.)</p> <p>3 * * * * *</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   | <p>1 DEPOSITION ERRATA SHEET Page 185</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 MARK S. COSTELLO</p> |

**Professional Reporters**

800.376.1006

www.prreporters.com



|  |          |
|--|----------|
| <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 _____</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 MARK S. COSTELLO</p>   | Page 186 |
| <p>1 CERTIFICATE OF REPORTER</p> <p>2 STATE OF NEVADA )</p> <p>3 ) ss:</p> <p>4 COUNTY OF CLARK )</p> <p>5 I, Allyson W. Harris, a Certified Court</p> <p>6 Reporter licensed by the State of Nevada, do hereby</p> <p>7 certify: That I reported the deposition of MARK S.</p> <p>8 COSTELLO, commencing on Friday, December 13, 2019.</p> <p>9 That prior to being deposed, the witness,</p> <p>10 if any, was by me duly sworn to testify to the</p> <p>11 truth. That I thereafter transcribed my</p> <p>12 stenographic notes into typewritten form, and that</p> <p>13 the typewritten transcript is a complete, true and</p> <p>14 accurate transcription of said stenographic notes.</p> <p>15 That review of the transcript was requested.</p> <p>16</p> <p>17 I further certify that I am not a</p> <p>18 relative, employee or independent contractor of</p> <p>19 counsel or of any of the parties involved in the</p> <p>20 proceeding, nor a person financially interested in</p> <p>21 the proceeding, nor do I have any other</p> <p>22 relationship that may reasonably cause my</p> <p>23 impartiality to be questioned.</p> <p>24</p> <p>25 IN WITNESS WHEREOF, I have set my hand in</p> <p>my office in the County of Clark, State of Nevada,</p> <p>this 9th day of January, 2020.</p> <p>Allyson W. Harris, CCR No. 740</p> | Page 187 |